

RICE UNIVERSITY

In Defense of Sufficiency as the Distributive Ideal for Political Power

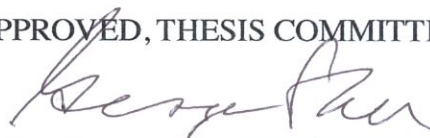
by

Dustin Tune

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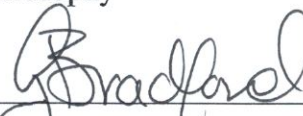
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ABSTRACT

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Many people think that political equality is obviously a good thing, an ideal toward which any decent political system should strive. Despite this – or perhaps because of it – some basic questions about political equality remain unanswered. What is political equality? What is good about it? Could some other ideal(s) take its place? My aim here is to answer each of these questions.

In regards to the first question, I argue that political equality obtains when political power is distributed equally. Two people are political equals if, and only if, they have the same amount of political power. By ‘political power’ I mean (roughly) the ability to get what one wants in the political arena. Conceiving of political equality in this way allows us to accommodate both the moral and amoral dimensions of politics.

What is good about political equality, so conceived? Political equality is good insofar as it leads to the equal advancement of everyone’s interests. There are several reasons to think that advancing everyone’s interests equally is important. It may be a fundamental requirement of morality, a principle of social justice, or a necessary condition of political legitimacy.

Of course, an equal distribution of political power is not unique in its ability to advance people’s interests equally. Indeed, I argue that an unequal distribution of power will almost always lead to a more equal advancement of everyone’s interests. This is because different

people have different interests, and, depending on the circumstances, different amounts of power may be needed in order to advance different sets of interests to the same degree. Thus, it is a mistake to assume that an equal distribution of power will lead to the equal advancement of everyone's interests. If the equal advancement of interests is our ultimate goal, then political power should be distributed in accordance with a principle of sufficiency, not equality. Everyone should have whatever amount of political power they need in order for their interests to be advanced to the same degree as everyone else's.

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PREFACE

Many take it for granted that political equality is a good thing, an ideal toward which any decent political system should strive. But there is little explanation of why this is so, or even of what exactly is meant by ‘political equality.’ My aim in this project, therefore, is to answer the following questions: (1) What is political equality?; (2) Is it an attractive ideal?; and (3) What alternative ideal(s) might take its place?.

The notion of equality certainly occupies a prominent place in the political rhetoric of this country (“all men are created equal”) and others (“Liberty, Equality, Fraternity”). We often view reform movements through the lens of political equality. Consider the women’s suffrage movement or the civil rights movement. Reformers justified their positions by appealing to the ideal of equality, and, looking back, we say that these movements were successful insofar as they actually brought about greater political equality.

Despite the prominence of political equality, philosophers and political scientists have only recently begun to focus on how arguments about political equality relate to other arguments about equality – in the area of distributive justice, for instance.¹ And this attention has not led to much lucidity.² Part of the problem is that ‘political equality’ means different things to different

¹ Harry Brighouse notes: “[Philosophers] have largely neglected a dimension of equality traditionally thought by many egalitarians to be central to their project: political equality, or democracy. Egalitarian political movements (as opposed to philosophers) have not distinguished the demand for more democracy and that for more material equality as separate demands...Yet most contemporary egalitarian philosophers have either ignored democracy as a dimension of equality, or have claimed that it has only a dependent or instrumental role...I argue, contrary to most of the positions within the contemporary debate, that political equality has a central place within egalitarianism” (1996, p. 118).

² As Robert Dahl has observed, “the existence of political equality is a fundamental premise of democracy. Yet its meaning and its relation to democracy, and to the distribution of resources that a citizen can use to influence public decisions, are not...well understood” (2006, p. ix).

people. Some take it mean equality before the law. Others take it to refer more narrowly to the principle of one person, one vote. Yet others simply equate it with democracy. For still others, political equality will be achieved only when there are no more social relationships based on dominance or exploitation. I think each of these views tells us something about political equality, but none of them is the whole story.

So, if we want to make progress on the concept of political equality, what should we do? I suggest that we look to the on-going debates within normative ethics and political philosophy about the moral (dis)value of equality in various contexts. (Is equality an attractive ideal for the distribution of welfare, resources, capabilities for functioning, or whatever?) More specifically, I suggest that we think of political power as a good that is subject to distributive principles. Political equality can then be understood as equality of political power. Once it is so understood, however, the ideal of political equality begins to look less attractive. In the end, I argue that sufficiency, not equality, is the most plausible distributive ideal for political power. If I am right about this, then all that matters from the point of view of morality is that each person have enough political power. And something less than equal can be enough.³

Here is a chapter-by-chapter outline of my project. In Chapter 1, I survey various conceptions of political equality and argue that the best one is equality of political power. (By ‘political power’ I mean (roughly) the ability to get what you want in the political arena.) Next, I shift my focus to the question of how political power ought to be distributed. Many have argued

³ The classic formulation of sufficientarianism comes from Harry Frankfurt: “what is important from the point of view of morality is not that everyone should have the *same* but that each should have *enough*” (1987, p. 134). More recently, Roger Crisp (2003, 2004, and 2006) has argued for a version of sufficientarianism. There is also a recognizably sufficientarian position in Joseph Raz (1986, Ch. 9). Although others have gestured toward a specifically political form of sufficientarianism – e.g., Ronald Dworkin (2000), Philip Pettit (1997), Elizabeth Anderson (1999), and Ian Shapiro (1999) – no one has, as far as I know, developed a sufficientarian approach to the distribution of political power.

that it ought to be distributed equally. Call this view *political egalitarianism*.⁴ In Chapter 2, I criticize arguments that seek to ground political egalitarianism in the demands of moral equality. Such arguments say that each person must be treated with equal concern and respect, and that to have anything less than an equal share of political power is to be treated with less than equal concern and respect. I try to show that political equality is not a necessary condition of moral equality; we can have the latter without the former. In Chapter 3, I turn to arguments for political egalitarianism that appeal to legitimacy. These arguments claim that an institution cannot be legitimate unless all the people living under it have an equal share of political power. I argue that these arguments from legitimacy, like the arguments from moral equality, overstate the moral significance of equality: the reasons they give in favor of political equality support some other ideal just as well. My main positive argument comes in Chapter 4, where I make the case for *political sufficientarianism* – the view that inequalities of power are not problematic, as long as everyone has enough power. My argument, in short, is that sufficientarianism is better equipped than egalitarianism to treat all persons as moral equals. Finally, in Chapter 5, I reply to the most serious objections to my view.

⁴ The label comes from David Estlund (2000).

Chapter 1: What is Political Equality?

We cannot say whether political equality is an attractive ideal until we get clear on what it is. So, the task of this chapter is to clarify the concept of political equality. I will argue that political equality is best understood as equality of political power. Since the concept of political power is itself quite obscure, however, I will spend the second part of the chapter explaining how I understand it.

I.

A natural starting point in our effort to understand political equality is the principle of one person, one vote.⁵ This principle captures the idea that elections, which are a central aspect of political life in most countries, should be free and fair. And, no doubt, a system that grants each voter a single, evenly weighted vote is (in some sense) based on political equality. But there is more to politics than casting a ballot, and we are looking for a conception of political equality in general, not just equality in the voting booth. We need to add something to the above principle. Intuitively, political equality also involves things like the right to run for and hold elected office, freedom of expression, freedom of association, and other civil liberties. With these additions in place, we might say that political equality is achieved when each citizen has the same procedural rights and basic political liberties. Call this the *formal equality* conception of political equality.

This formalistic approach is certainly part of our ordinary understanding of political equality. One need look no further than the United States Constitution for proof of this. The

⁵ As a group of political scientists recently observed: “Ask [the average person] what political equality means and she is likely to reply ‘one person, one vote’” (Liu, Kaplan, and Schroeder, p. 83).

Fourteenth Amendment extends to all citizens the “equal protection of the laws,” including the liberties enumerated in the Bill of Rights. The Fifteenth and Nineteenth Amendments grant the right to vote to all adult, non-felon citizens. One could also look at the Voting Rights Act of 1965, the primary aim of which is to ensure that each citizen’s vote is weighted equally. Moreover, the formal equality conception is implicit in many discussions of political equality. Consider news reports about voter suppression on election day. These are often framed in terms of political equality, and they assume that the requirements of political equality are fully captured by the Constitution, the Voting Rights Act, or some other document.

One advocate of a formalistic conception of political equality is Friedrich A. Hayek (1960). According to Hayek, any more robust sense of political equality is incompatible with individual liberty and, therefore, has no place in a free society.⁶ His argument for this claim begins with the observation that people differ widely in their natural talents and inclinations. If the legal system treats everyone the same, given this diversity of talents and inclinations, an unequal distribution of opportunities and resources – including political opportunities and resources – is inevitable. Hence, the only way to achieve equality in the distribution of opportunities and resources is for the legal system to treat some people differently than others. But a society in which the legal system treats some people differently than others – one in which people are not “equal before the law” – is not a society based on liberty: “The great aim of the struggle for liberty has been equality before the law” (Hayek 1960, p. 85). And, for Hayek,

⁶ “Equality of the general rules of law and conduct...is the only kind of equality...which we can secure without destroying liberty” (1960, p. 85). Although Hayek may have been the first, he is not the only person to adopt a formalistic conception of political equality; many libertarians (e.g., Robert Nozick (1974) and Jason Brennan (2011a)) do so as well.

whatever value political equality has comes from its instrumental role in securing liberty.⁷ (He assumes that the only non-instrumental good in the political sphere is individual liberty.) The upshot is that we should think of political equality as nothing more, and nothing less, than equality before the law.

This view has the advantage of being, in one way, uncontroversial: whatever else political equality requires, surely it requires equal formal rights and liberties. No one denies that equality before the law is necessary for political equality. The question is whether equality before the law is *sufficient* for political equality. I claim that it is not. Why not? Because procedures aren't everything; outcomes matter too.

Formal equality is compatible with significant inequality of outcomes; most importantly, inequalities of political influence. Even in the absence of procedural unfairness or legal discrimination, some people – through no fault of their own – will have less influence than others. There is virtually no limit to how large these inequalities can grow. And, at some point, it becomes difficult to believe that political equality still obtains, even if everyone enjoys equal protection under the law. Imagine two citizens with the exact same legal rights and protections, as well as the exact same bundle of talents and ambitions. The only difference between the two is that one is very rich and the other is very poor. According to Hayek, these two people are political equals; they must be, since they have the same legal rights and protections. How plausible is this claim? Not very, given how unequal the two are in terms of political influence. In (almost) every political system, money is an important source of influence. The more money

⁷ In his own words: "From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently....Our argument will be that, though where the state must use coercion for other reasons, it should treat all people alike, the desire of making people more alike in their condition cannot be accepted in a free society as a justification for further and discriminatory coercion" (Hayek 1960, p. 87).

you have, the greater ability you have to bring about the outcomes you want. Now, there is nothing logically contradictory about the claim that the rich man and the poor man are political equals, their inequalities of influence notwithstanding, but it does run counter to some of my strongest intuitions about what it means for two people to be political equals.

Here's another way of putting my worry about the formal equality conception of political equality: by its lights, a plutocracy could count as a society of political equals. As long as everyone has the same set of legal rights, we have no grounds to criticize the political arrangements of that society for lacking in political equality. It does not matter that the few people who have most of the money always get the political outcomes they want. As long as the rich do not take away anyone's formal protections (e.g., the civil liberties protected in the Bill of Rights), it could still be a society of perfect political equality. This is a strange result because, intuitively, one of the main problems with plutocracy is that it allows a few to have too much influence and everyone else to have too little. When outcomes become so unequal, it is hard to accept that there is no political *inequality*.

In response to this worry, Hayek would likely insist that any attempt to make the pattern of distribution more equal would limit the liberty of some individuals or groups in a morally unacceptable way. That may be so, but it's irrelevant to the question at hand. We are looking for the best conception of political equality, not a theory of the moral limits of state action. The point I am making is that Hayek's equality-before-the-law conception of political equality is inadequate. It is inadequate because it is compatible with tremendous differences in political influence, and my intuition is that such differences are a sign of a lack of political equality.

I think we need a more substantive conception of political equality, one that looks at the distributive outcomes of the political process. If we care about distributive outcomes, it is

reasonable to try to unpack the concept of political equality in terms of the distribution of some good. But what good? Is there some good which, if two people had an equal share of it, they would be political equals? I believe there is: political power. Hence, my proposed conception of political equality is as follows: For two citizens to be political equals, each must have equal political power.⁸ I will say much more below about what political power is shortly; for now, we can think of it as the ability to influence the political decisions of one's society.

Why think that political equality is best understood as equality of political power? Because conceiving of political equality in this way allows us to capture two important intuitions. The first is one we have already encountered: distributive outcomes matter morally. If some distributive inequalities (e.g., the inequalities of influence we saw in the case of the rich man and the poor man) are incompatible with political equality, then political equality requires something more than equal formal rights. The second intuition that this conception of political equality captures is that we are not merely passive recipients of benefits and burdens. Power is an ability. Someone with an ability can decide for himself whether and how to exercise it. You may have more actual influence than I do because, for example, you care more about politics than I do. Someone else may have more power than both of us because she is able, through rational argument, to bring all her neighbors over to her side on political issues. These are inequalities that result from people making free choices. To try to eliminate such inequalities is to deny that people should be held responsible for the consequences of their choices. One has no

⁸ For formulations of the view that political equality is best understood in terms of equality of political power, see Joshua Cohen (2009, pp. 270-9); Estlund (2000, pp. 127-31); Knight and Johnson (1997); and Harry Brighouse and Marc Fleurbaey (2010).

grounds for complaint if one's lack of influence results from one's own choice not to exercise it.⁹ Thus, if political equality is understood as equality of political power, we see that two people can be political equals even if they have unequal amounts of actual influence on political decisions. Inequalities of actual influence are consistent with political equality when they are the result of free choices.

The second of these intuitions – that political agents should be regarded as free and rational – has led some to try to explain political equality solely in terms of moral equality. Such a conception of political equality takes different forms, depending on the view of moral equality being employed. If you thought that moral equality were best understood in terms of equal consideration of interests, then you would say that two people are political equals insofar as their interests ought to be given equal weight (taken equally seriously) in the making and evaluating of our decisions. Or you could take a more Kantian approach, saying that two people are political equals insofar as they ought to be treated with equal concern and respect. Call this the *moral equality* conception of political equality.

Ronald Dworkin has defended a version of the moral equality conception. He says that “the government [must] treat all those in its charge *as equals*, that is, as entitled to equal concern and respect” (1985, p. 190).¹⁰ On Dworkin's view, two people are political equals if and only if

⁹ As J. Cohen says, “[I]t is unreasonable to demand influence irrespective of one's own actions or of the considered convictions of other citizens. That demand is unreasonable, because a compelling interpretation of the idea of political equality must ensure a place for individual responsibility. Members of a democratic society are represented as free and equal. As free, they are to be treated as responsible for their political judgments and conduct. So if I demand influence irrespective of the judgments of other citizens, then I deny the importance of such responsibility. Once we accept it, then we accept, too, that a regime with equal opportunity for effective influence is almost certain to be associated with inequalities of actual influence” (2009, p. 274).

¹⁰ In earlier works, Dworkin always spoke of “equal concern and respect”; more recently, this has been shortened to “equal concern.” For instance: “If a community is genuinely egalitarian...it accepts the imperative that a community collectively must treat its members individually with equal concern” (Dworkin 2000, pp. 209-10). I don't know why respect has dropped out of the more recent formulations, but I do not think it marks a substantive change.

we (the state and the broader political community) should give their interests equal consideration and we ought to regard them as rational agents with lives of their own to lead. Of course, the demand that each citizen ought to be treated with equal concern and respect can itself be given many different interpretations.¹¹ This need not detain us, however, since all we are concerned with at the moment is the plausibility of the claim that the concept of political equality can be fully cashed out in terms of moral equality. A rough and ready understanding of equal concern and respect – equal consideration of interests plus treatment as a rational agent – is good enough for this purpose.

The worry I have about the moral equality conception of political equality is that it ignores the amoral dimension of politics. Some political action is best understood in terms of self-interest or group-interest, not morality. We do not always blame political agents for acting

¹¹ Dworkin unpacks this notion by describing what a society organized around the principle of equal concern and respect (an “egalitarian community”) would look like. He assumes that an egalitarian community will be a democracy. The question “What political institutions and processes should an egalitarian community have?” thus becomes “What form of democracy is most appropriate to an egalitarian community?”. Dworkin’s answer to the latter question is:

“[T]he best form of democracy is whatever form is most likely to produce the substantive decisions and results that treat all members of the community with equal concern. On [this conception of democracy], the main features of a democracy—near-universal suffrage, free speech, and the rest—are justified because a community in which the vote is widely held and speech is free is more likely to distribute material resources and other opportunities and values in an egalitarian way. So it recommends, when controversial cases arise about the best detailed form of democracy, that a consequentialist test be used: Which decision of these controversial issues seems most conducive to advancing or protecting these substantive egalitarian goals?” (2000, p. 186).

So, in the end, political equality is unattainable without an egalitarian distribution of various goods. (For Dworkin’s account of what makes a distribution of goods egalitarian, see Dworkin 1981b.) Two citizens are political equals when they are treated with equal concern and respect, and they are treated with equal concern and respect when they receive a (roughly) equal share of the resources and opportunities that their society has to distribute.

on purely self-interested reasons.¹² You do everything you can to get the most for you and yours; I'll do the same for me and mine. Many lament this; they think that politics should be transformed into a more moralized exercise.¹³ And perhaps it should be, but, up to and including the present, there has been a gap between the rules of morality and the rules of politics. Most of us accept that people will be concerned with things other than the demands of morality when making political calculations. Consider the efforts of elected representatives to funnel money and jobs to their districts. It is hard to find a moral justification for these efforts, but they do not (always) strike us as morally objectionable. They're just part of the game. The upshot is that the existence of a moral dimension to political equality does not entail that political equality just is moral equality. I think Dworkin wrongly conflates the two. In later chapters, I will argue that two people can be treated as moral equals without being political equals. All I am saying now is that although we want a conception of political equality that is more moralized than the purely formal conception, we do not want one that is fully moralized.

Let us briefly recap where we've been so far. We are looking for a plausible conception of political equality. We started with the formal equality conception, according to which two people are political equals if they have the same set of formal rights and liberties. The problem

¹² I agree with Thomas Nagel on this point: "At present self-interest is expected to play a major role in democratic politics, only modestly qualified by impartial concerns. It would be a drastic change if the personal interests of voters were to come to have only a minor influence on their behavior, and only a minor role in the appeals of politicians campaigning for election. A division between personal and impersonal motivation which confined the personal almost entirely to individual rather than public choice seems, from the vantage point of the present, an unattainable dream" (1991, p. 91). And David Estlund: "[P]olitics is not, and probably could never be, mainly a matter of the impartial exchanging of reasons" (2008, p. 184). And Joshua Cohen: "[P]olitics is in (perhaps large) part a struggle for power and a strategic pursuit of personal and group interests" (2009, p. 1).

¹³ This is clearly Nagel's view: "Instead of morality being like politics in its sensitivity to the balance of power, we should want politics to be more like morality in its aim of unanimous acceptability" (1991, p. 46). But even he acknowledges that ethics cannot fully replace politics: "The demands of impartiality are so great that...[they] threaten to require an inordinate takeover of the individual's life in their service—a form of general mobilization which fails to leave enough scope for the personal standpoint" (ibid., p. 54).

with this conception is that it ignores the distributive outcomes of the political process. Formal equality before the law is compatible with vast economic inequalities, for instance; and it is hard to swallow the claim that a very rich man and a very poor man are truly political equals, given their different levels of ability to influence the political process. This led us to consider whether the concept of political equality can be understood in terms of the distribution of some good. I suggested that political equality be thought of as equality of political power. This conception of political equality is preferable to the formal equality conception because it recognizes the moral significance of outcomes as well as processes. In other words, the equality of political power conception recognizes that there is a moral dimension to political equality. But, unlike the moral equality conception, the equality of political power conception does not try to reduce political equality to moral equality.

If all we wanted was a plausible conception of political equality, we could stop here: political equality is equality of political power. But my ultimate aim is to argue against the view that political power ought to be distributed equally, not to defend a particular conception of political equality. Why, then, did we go through this discussion of political equality? For a couple of reasons. First, finding a plausible conception of political equality is important in its own right. People talk so much about political equality that it is nice to have an idea of how that concept is best understood. Second, the above discussion points up at least one reason why the distribution of political power matters morally. It matters because the distribution of political power affects individual well-being. Political power is the ability to affect (among other things) the distribution of burdens and benefits.

II.

If we are going to explain political equality in terms of political power, we need to say something about the concept of political power. And, as you will soon see, this turns out to be quite difficult. Different people have meant very different things by ‘political power’. Many speak as though only governments and governmental agents can wield political power.¹⁴ Others take political power to be synonymous with political authority.¹⁵ Given the myriad uses to which the concept of political power can be put, I will not try to show that any one understanding of the concept is the best one. Since it plays a central role in this project, however, I do want to spell out what I will mean by ‘political power’ in subsequent chapters.

¹⁴ In other words, they treat ‘political power’ and ‘state power’ as interchangeable. Consider Allen Buchanan: “[T]o wield political power is to attempt to exercise a monopoly, within a jurisdiction, in the making, application, and enforcement of laws,” and “it is the state that wields political power through a system of laws that permits or enables various institutional spheres of control” (p. 690). And John Rawls: “[P]olitical power is always coercive power backed by the government’s use of sanctions, for government alone has the authority to use force in upholding its laws” (2005, p. 136).

¹⁵ Consider Locke: “*Political Power*... I take to be a Right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of laws, and in the defense of the commonwealth from foreign injury, and all this only for the public good” (*Second Treatise of Government*, Bk. II, ch. I, §3). And Michael Walzer, who insists that political power requires authority: “As there are, in principle at least, things that money can’t buy, so there are things that the representatives of sovereignty, the officials of the state, can’t do. Or better, in doing them, they exercise not political power properly speaking but mere force; they act nakedly, without authority. Force is power used in violation of its social meaning. That it is commonly so used should never blind us to its tyrannical character” (1983, p. 282). See also Habermas (1996, pp. 131-7).

Political power, on my view, is the ability to get what you want in the political arena. A bit more precisely, it is the ability to make political outcomes conform to one's will, even in the face of resistance.¹⁶

This needs a lot of unpacking. But before we begin that task, I want to note three things about my definition of political power and silence a potential worry. The first thing to note is that, on my definition, political power is not restricted to public officials. Private citizens (both individually and collectively¹⁷) can have a share of it. The second is that thinking of political power in this way allows us to view it as a distributional good – i.e., as something that can be subject to distributive principles.¹⁸ The third is that, strictly speaking, my definition is incomplete. To have power is not merely to have an ability; it is to have an ability, and not be

¹⁶ For now, we can think of *political* outcomes as those having to do with the composition or activities of government. This is a slight modification of Goldman's (1974) and Kliemt's (1981) definitions of social power. My definition of political power also closely resembles those of C. Wright Mills and Max Weber. Mills: "By the powerful we mean...those who are able to realize their will, even if others resist it" (1947, p. 152). Weber: "Here, by 'power' we shall understand, very generally, a person's or a plurality of persons' chance to impose their own will in the context of a social activity, even against the resistance of other participants" (1922, p. 631, quoted and translated in Zimmerling 2005, p. 31, n. 42). The 'even' here is crucial. As Ruth Zimmerling notes: "It is remarkable that Weber's very famous definition is frequently misquoted in translations, by omitting the word 'even' (*auch*). Weber has therefore often been misinterpreted as an author who holds that power situations *necessarily* involve resistance and that where such resistance is absent one cannot speak of power. This view is untenable if Weber's definition is read correctly. Rather, he must be classified among those who hold that for power to exist (and even to be exercised) the actual presence of resistance is *not* necessary; all that is needed is that the power-holder *could* impose his will *if* he met resistance" (pp. 31-2, n. 42).

¹⁷ For now, we can treat groups as individual agents. Eventually, I will have much more to say about the complicated relationship between individual power and group power. Is the collective power of a group simply the sum of the power held by each of its members? What (if any) are the relevant differences between well-organized, hierarchical groups such as corporations and informal, unorganized groups defined in terms of various demographic categories (e.g., race, gender, age)? For a discussion of these and related issues, see Goldman (1972, pp. 170-5) and Morriss (2002, pp. 109-15). We will return to these questions, in Chapters 4 and 5, where we will have to decide what role (if any) group membership should play in determining whether an individual has enough political power. All I am trying to do in the present chapter is spell out a particular conception of political power so that we can then turn to the question of how such power ought to be distributed. So, for now, everything said about the power of individuals applies to groups as well.

¹⁸ I am not the first to see political power as a distributional good. Others include: Dahl (1968); Kliemt (1981); Walzer (1983); Christiano (1996); and Brighouse and Swift (2006).

hindered from exercising it. Power is ability *in a suitable context*. In what follows, I will assume, for the sake of simplicity, that the lack-of-hinderance condition is met – i.e., that there is nothing preventing someone with an ability from exercising it, if he chooses to do so.

Now for the worry. The worry is that my definition overlooks an obvious answer to the question, What is political power?. The obvious answer goes like this: Political power is not an ability; it is money, or votes, or the authority to pass and enact legislation, or some other simple thing. But the simplicity of such an answer comes at the price of conceptual confusion. There are many sources of political power – money, votes, elected office, social connections, rhetorical skill, celebrity, public demonstrations, political art, good looks, threats, bribes, rational arguments, and others.¹⁹ But these are merely *sources* of political power; they are not power itself. You can have power without money, for example, or money without power. One person's power comes from *de jure* authority while someone else's comes from rhetorical skill or ruthless arm-twisting.

It is a mistake, then, to identify power with one or all of its sources. It is to commit the “vehicle fallacy.”²⁰ This fallacy involves thinking that dispositional concepts refer to things. Consider the claim that political power *is* money. Many sociologists and political scientists talk

¹⁹ Dworkin (1987b) notes that political power can be measured on both *vertical* and *horizontal* dimensions. Horizontal measurements compare the amount of power held by a private citizen or group of private citizens with that of another private citizen or group of private citizens. Vertical comparisons, by contrast, are between individual private citizens and individual elected officials. We must also distinguish between *impact* and *influence*. A citizen's impact on the political process is “the difference he can make, just on his own, by voting for or choosing one decision rather than another” (191). One's influence is “the difference he can make not just on his own but also by leading or inducing others to believe or vote or choose as he does” (191). Thus, measurements of influence have to take more factors into consideration. Once political power is understood in terms of influence rather than mere impact, it becomes clear that the sources of political power are great in number and diversity.

²⁰ Morriss (2002) adopts the term from Anthony Kenny (1975).

as though this were true.²¹ But it cannot be true, since money alone makes no difference in politics. Imagine two billionaires with the exact same amount of wealth. The first billionaire has one driving passion at this point in her life: get politicians she agrees with elected to public office. And, largely because of her support, her favored politicians usually do get elected. The second billionaire has been interested in abstract art, and only abstract art, her entire life; she devotes most of her time and money to expanding her collection of paintings and sculptures. Clearly, the first billionaire has much more political power than the second, and this would remain true (at least for a while) even if the second were to suddenly develop a strong desire to get her favored political candidates elected. Why? Because making a difference in politics requires a certain amount of expertise, and our second billionaire lacks this entirely. What this case shows is that even though an agent's power can be increased greatly by material resources, the resources themselves are not power. Power requires an agent who knows where and how to use resources effectively. It takes an agent to turn money into political power. In short, we should not confuse the sources of power with power itself.

Let us now look at each element of my proposed definition of political power, beginning with the claim that political power is an *ability*. Why should we think of power as an ability? Because being powerful is a dispositional property – like being soluble or flammable. The alternative to a dispositional analysis is what I will call the *actual causal role* analysis. The classic formulation of the actual causal role analysis of power comes from Robert Dahl: “For the

²¹ See, e.g., Dahl 1957, Parsons 1963, and Bartels 2008. Even philosophers sometimes commit this fallacy. Goldman (1972) appears to commit it when he says: “In saying that outcome *e* would occur if *S* were to perform certain acts, we do not indicate which facts about the world, which resources possessed by *S*, make this conditional true. Nevertheless, there must be some such facts or resources. Indeed, we may construe our subjunctive conditionals as asserting their existence....We may say, therefore, that resources such as wealth, authority, reputation, attractiveness, friendship and physical location play the same sort of role vis-a-vis power as molecular structure plays vis-a-vis solubility. It is the possession of such resources that confers power, or, if you like, that is power” (p. 163).

assertion ‘C has power over R’, one can substitute the assertion, ‘C’s behavior causes R’s behavior’” (1968, p. 46). Those who, following Dahl, have adopted such an analysis have done so largely because it seems to make power a scientifically respectable concept. The language of causation is the language of science, and observable effects on behavior seem like the sort of thing we can study empirically. But, scientific or not, the actual causal role analysis of power should be rejected, for at least two reasons. For one, it cannot account for some paradigmatic cases of power in which there are no observable effects. A bomb that never goes off has no observable effects, but this in no way diminishes its explosive power.²² A second reason to reject a causal analysis of power is that, unlike talk of causes, talk of power often has little (if any) explanatory power. “A caused B to fall” is an explanation of why B fell. (Or at least an answer to the question, What made B fall?) But the observation that “A has the power to make B fall” may explain nothing about what actually happened to B.²³

So, power is an ability and, as such, should be analyzed as a dispositional concept. Because power is a dispositional concept, facts about the actual world cannot tell us everything we want to know about power. Many statements about power will refer to counterfactual scenarios. Consider the statement, “A has the power to Φ ”. This statement may be true even if

²² Peter Morriss makes the point about dispositions in general: “[D]ispositions can remain forever unmanifested: a fragile cup remains fragile throughout its existence, even if it never breaks; a sample of sulphuric acid has the power to dissolve zinc, even though none is ever put into it; the Congress has the power to pass bills vetoed by the President (by passing them with a two-thirds majority), even if the President vetoes no bills. So a dispositional property can exist and yet never give rise to anything that actually occurs. A sentence about a dispositional property ...often refers to a hypothetical event – and hypothetical events are by definition unobservable” (2002, p. 17).

²³ This too applies to all dispositional concepts. As Helmut Kliemt notes: “[T]he concept of a counterfactual proposition seems to be necessary to an understanding of power. This seems to be quite clear because a person influences something causally only if without the person it did not happen. However, counterfactual conditionals enter the stage in a different sense. Power as an *ability* depends on ‘what would happen if...’, and thus has to be measured over a whole set of possibilities, most of which never will become reality. The problems associated with [a causal analysis of power] cannot be avoided [until] power is taken to be what it really is – an ability, potential, or disposition. Dispositional concepts like ‘power’ necessarily involve considerations of merely possible events, considerations about ‘what would happen if...’” (1981, p. 55).

A never has Φ -ed and never will Φ . What matters for the truth-value of this statement is whether A has the ability to Φ , should she choose to do so. A may have this ability even if she never chooses to exercise it. Thus, when we want to make a judgment about A's power, we look at both her actual desires and her counterfactual desires, and we hold (almost) everything else constant.²⁴ (We will also need make whatever counterfactualizations are logically or nomologically entailed by the initial counterfactualization of the desires.) But, importantly, we do not counterfactualize the desires or actions of anyone other than A, unless those desires or actions would be affected by the difference in A's desire. This is important because we are trying to determine how much (if any) power A has. In order to isolate the effects of A's desires on the relevant outcomes, we treat A's desires as the experimental variable and hold everything else constant.

Power's status as an ability is key to resolving an apparent puzzle about the power (or lack thereof) of persistent minorities. Persistent minorities are not necessarily ethnic or racial minorities; they are anyone whose views are consistently in the minority on political issues. Their favored candidates never win, the bills they support never pass, and so on. The puzzle is that, on my view, it is possible for persistent minorities to be simultaneously powerless and powerful. They must be powerless if they never get what they want, never influence any outcomes. But an individual member of a persistent minority could still be quite powerful – because he has a lot of money and connections, say. What is going on here?

²⁴ As Goldman puts it: "The possession of power...depends on the truth of certain subjunctive conditionals, conditionals whose antecedents specify desires or preferences and whose consequents specify corresponding outcomes. Now a person's desires or preferences do not ordinarily influence an outcome directly; rather, it is his actions that influence it—such actions as casting a ballot, making a campaign contribution, threatening reprisals, or requesting a favor. But a person's actions are determined by his desires or preferences. Thus, although in principle we are interested in conjunctions of conditionals of the form 'If S wanted e , then S would perform actions A_1, \dots, A_n , and if S performed actions A_1, \dots, A_n , then outcome e would occur,' we may for simplicity delete the reference to actions and use conditionals of the form 'If S wanted outcome e , then outcome e would occur' (1974, p. 233).

The sense of puzzlement should go away as soon as we remember that power is the *ability* to influence political outcomes, not actual influence over outcomes. The fact that someone never influences political decisions does not entail that he does not have the ability to do so. Thus, persistent minorities are not powerless – they can donate money, make speeches, lobby their representatives, etc. It is still true, of course, that persistent minorities (including those with great wealth) have less power than their non-minority counterparts. This is because, in order to achieve their desired ends, persistent minorities have to overcome more resistance than others would, which decreases their chances of influencing the political outcomes of their society.²⁵

To recap what we've seen so far in this section: power is an ability, neither a thing (a material resource) nor an event (an actual exercise of power). An agent has political power only if her desires either actually do or counterfactually would make a difference to political outcomes. And if she does have some power, we determine how much she has by looking at how much of a difference her desires do or would make.

The next element of my definition of political power in need of some defense is the claim that power is the ability to affect *outcomes*. Some social scientists hold that power is necessarily

²⁵ The issue of persistent minorities raises complex questions about how political power ought to be distributed, which we will discuss in Chapters 4 and 5. As we will see there, individuals who are persistently in the minority on political issues may very well be entitled to a greater share of power than they would otherwise be. Every member of the persistent minority is at a disadvantage (in terms of power) because of his minority status; so, when we are distributing political power, we take this into account. If someone has great wealth (or charisma, or social connections, etc.), these may more than compensate for the disadvantages that come with being a persistent minority. But if the individual does not have anything to offset this advantage, he should have proportionally more power than his non-minority neighbors. Why? Because otherwise the minority's interests would be (at greater risk of being) negatively impacted by the political system. Their interests are likely to be either actively set back or simply ignored.

exercised over other people – i.e., that the “object” of exercises of power is the behavior of other people.²⁶ Peter Morriss summarizes the case for adopting this approach as follows:

When we are concerned with *social* power, it is natural to suppose that a *person* (rather than a thing) must be affected by the power. The only way that the English language allows ‘power’ to be followed by a word for a person is by talking of the power being *over* the person. Ergo, it seems, all social power becomes power over someone. (2002, p. 32, emphasis in the original)

Plausible as this line of reasoning may seem, there is good reason to reject the *power over behavior* approach. The power over behavior approach rules out the possibility that power could be exercised on anything besides other people’s behavior. It thus closes, at the conceptual level, what should be an open question.²⁷ If it turns out that, as a matter of fact, power always affects behavior in some way, this would be an interesting finding; but this would not show that all power *necessarily* affects behavior.

How could political power be exercised on something other than behavior? It can be exercised on attitudes, for example. We can change people’s attitudes, and changes in attitude do not necessarily lead to changes in behavior.²⁸ Suppose Bill had always wanted to travel to Poland. One day Adam tells Bill of a miserable visit that Adam once had there. Bill no longer wants to go to Poland. Adam’s action leads Bill to change his attitude about visiting Poland.

²⁶ Robert Dahl: “A has power over B to the extent that he can get B to do something that B would not otherwise do” (1957, p. 202). Steven Lukes: “[T]he absolutely basic common core to, or primitive notion lying behind, all talk of power is the notion that A [an agent] in some way affects B [another agent]” (1974, p. 26). Felix Oppenheim “P has power over R [with respect to] his not doing x iff P has influence over R’s not doing x or prevents R from doing x or P makes R unfree to do x” (1981, p. 21).

²⁷ As Morriss observes, “even...if it is a fact that power is always exercised over people, this is not a reason for defining power so that it can *only* be exercised over people. If conflict is indeed omnipresent within society, then a neutral definition will surely discover it” (2002, p. 34).

²⁸ As Mill (1861, Ch. 1) notes, “[O]pinion is itself one of the greatest active social forces. One person with a belief is a social power equal to ninety-nine who have only interests.” And Lukes (1974): “A may exercise power over B by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants” (p. 23).

Even if this change in attitude never affects Bill's behavior (because he never will be able to afford the plane ticket to Poland, say), there is certainly a sense in which Adam has exercised power over Bill.

My preferred approach – the *power over outcomes* approach – is neutral on the question of what the proper object(s) of power might be. An outcome is simply a state of affairs. Thus, on the power over outcomes approach, anything that is part of a state of affairs is an object upon which power could be exercised. Behavior will be part of most outcomes, but they will also include the mental states (beliefs, attitudes, etc.) of the agents involved and other facts about the world.²⁹ Assuming we have a sufficiently broad conception of outcomes, then, the power over outcomes approach will subsume the power over behavior approach. That is the main reason to favor the power over outcomes approach: everything that can be explained in terms of behavior can be fully explained in terms of outcomes, and there are some things that can be explained in terms of outcomes that cannot be fully explained in terms of behavior.

This will not persuade everyone to adopt the power over outcomes approach, of course. Many who adopt a behavioral account of power do so because they want to protect their theory's scientific respectability. The basic idea is that to be scientifically respectable a theory must deal in things that are observable and describable in purely physicalistic terms, and behavior looks like the sort of thing that can meet these qualifications. So, at least for those who want to talk about power in a rigorous, scientific way, behavior begins to look like the natural object of study. But the power over behavior approach faces a serious problem: it may not be able to explain all the relevant phenomena. In light of cases such as the one involving Bill's attitude about Poland, it certainly seems possible that some actions that do not affect other people's behavior are

²⁹ Both Goldman (1972 and 1974) and Kliemt (1981) favor a conception of outcomes along these lines.

exercises of power nonetheless. If we take this possibility seriously, then we should not adopt a definition of power that ignores it. This is especially important in the context of political power, since the ability to change people's minds can be one of the most direct ways of influencing outcomes. If we adopt the power over behavior approach, however, we could not count such an ability as power unless it had some affect on someone's behavior. This is a high price to pay in the effort to make the social sciences mimic the "hard" sciences. In the case of power at least, science worship begets bad theories.

Upshot: we should take outcomes rather than behavior to be the proper object of power because the power over outcomes approach can explain everything the power over behavior approach can, and potentially much more.

Moving on to the next element, I define political power in terms of *political* outcomes. How do I propose to distinguish political from non-political outcomes? Political outcomes are those that affect, or are affected by, the composition or operation of government in some way. Of course, the qualifier 'in some way' leaves open the question of where, exactly, the political sphere ends and the non-political sphere begins. One's answer to this question depends upon how narrowly or broadly one conceives of politics. On a *narrow* conception of politics, the political sphere has definite boundaries – some aspects of human interaction are definitely non-political. Such views go back at least to the natural rights theories of Locke and Kant. On a *broad* conception of politics, by contrast, politics pervades every aspect of our lives – as Ian Shapiro puts it, "no domain of human interaction is beyond politics" (1999, p. 6). This is not a

new view; it can be found in the writings of Plato, Aristotle, and Marx.³⁰ (I do not want to make it sound as though there were a clear distinction between narrow and broad conceptions of politics. There is not. Most conceptions of politics fall somewhere on a continuum that runs from narrow to broad. They are more or less narrow, not either narrow or broad.)

I favor a relatively broad conception of politics. It is broad because I think that any boundary we draw around the political sphere will be somewhat arbitrary. But it is only relatively broad because I think that we can still make some meaningful distinctions within the political sphere. Even if everything is political in some sense – i.e., there is no non-arbitrary personal/political distinction – we can still point to various phenomena which are more political than most. Some examples of paradigmatically political phenomena include enforcing laws with coercive force, casting a ballot in an election, and campaigning for public office.

In the past few decades, very broad conceptions of politics – according to which everything is political, or at least has a political aspect – have become quite popular.³¹ And if one adopts such a conception, my “relatively broad” approach probably seems naïve at best. If

³⁰ Shapiro (1999, pp. 8-10) notes that each of these otherwise diverse political theorists endorses some version of the idea that the personal and the political are inseparable. See, for example, Plato’s discussion (in Books II and III of the *Republic*) of the need for the communal rearing of children in the ideal republic. Similarly, Aristotle (in the *Politics* and *Nicomachean Ethics*) argues that political concerns ought to play a role in such things as education and household management. And Marx is even more explicit about the way that politics does (or at least should) permeate every aspect of our lives: “Only when the actual, individual man has taken back into himself the abstract citizen and in his everyday life, his individual work, and his individual relationships has become a *species-being*, only when he has recognized and organized his own powers as *social* powers so that social power is no longer separated from him as *political* power, only then is human emancipation complete” (from “On the Jewish Question,” quoted and translated in G. A. Cohen (2008, p. 116)).

³¹ For a sense of the various forms such views can take, see Lukes 1974, Foucault 1980, and Habermas 1985. Defenders of broad conceptions of politics often appeal to the pervasiveness of power and power relations. For example: “Power must be analyzed as something which circulates, or rather as something which only functions in the form of a chain. It is never localized here or there, never in anybody’s hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always also the elements of its articulation” (Foucault 1980, p. 93).

politics really does reach into even the most personal of our relationships, the attempt to isolate a single kind of power – political power – and ask how we ought to go about distributing it begins to look deeply confused.

My response is two-fold. First, I would point out that different people use the term ‘power’ to refer to many different things. So, even when defenders of very broad conceptions of politics appear to be making observations about political power, these often are irrelevant to the sort of power relations I’m interested in.³² More importantly, I worry that a very broad conception of politics distorts our intuitive notion of politics beyond all recognition. I do not deny that power plays an important role in many (if not all) interpersonal relations. But I reject the claim that we cannot make some distinctions between different types of power; because I think we do, in fact, make such distinctions all the time. The assumption that if power is present, we must be in the realm of the political strikes me as absurd. Perhaps there is not a neatly isolable subset of power relations properly called “political power,” but surely there is a difference between power relations that have some effect on the operations of government, say, and those that have none. I take it that there is a significant difference, along the dimension of political power, between the act of calling the office of your Senator and that of buying a turkey sandwich. We can agree (can’t we?) that a trusted advisor to the President wields much more political power than an average dentist does. Thus, even if there are political aspects to everything we do, we should not ignore our intuitions that some things have many more such aspects than others. Some things (e.g., giving money to a candidate for public office) are deeply political, others (e.g., watching a baseball game) are only peripherally so.

³² This is even more of an issue when we’re dealing with translations, especially those of Foucault. Morriss (2002, pp. xvi-iii) argues – persuasively, I believe – that English-speakers have been misled into thinking that Foucault said much more about power than he in fact did. Morriss attributes this to a confused translation of the French terms *pouvoir* and *puissance*.

What's at stake here? I have suggested that we think of political power as the ability to get the things one wants even if there are other people around who want different things. The things in question are political outcomes. This leads to the question, Which outcomes are *political* outcomes? Our answer determines how much political power we think there is in the world. The more outcomes that count as political, the more political power there is. The fewer political outcomes there are, the less political power there is. Although I have indicated which conception of the political sphere I find most plausible, I do not need to settle this issue here. My overall project does not depend on any particular view of the scope of politics. Rather, the scope of my project tracks the scope of politics. The more broadly one conceives of politics, the more far-reaching my arguments about the distribution of political power will be. Suppose we adopt a very broad conception of politics. We hold that the realm of politics extends into the family, the workplace, and voluntary associations like churches and social clubs. Suppose further that we have discovered how much political power Smith ought to have. In order to figure out how much power Smith actually has (and thus whether she ought to have more or less than she does now), we will have to look at not only Smith's potential influence on the lawmaking process of her community but also at her potential influence on the decisions in her household, office, and so forth. In short, as the sphere of politics gets larger, the more outcomes will count as political outcomes and thereby fall within the purview of my account.

Turning now to the next element of my definition of political power, the idea that power allows one to bring outcomes *into conformity with one's will*. I use 'will' here as shorthand for an agent's desires, preferences, and considered judgments.³³ Outcomes *conform* to one's will

³³ Why not define political power in terms of interests rather than desires, preferences, etc.? Why not say that power is the ability to advance one's interests, even in the face of resistance? Because I want to leave open the possibility that a powerful person could exercise that power in a way that does not advance his own interests. I think there are people with a lot of power who do not exercise it well, in terms of their own self-interest.

when one's desires, etc. are satisfied – i.e., when one gets what one wants. Conformity can come in degrees. The degree of conformity between one's desires and the relevant outcomes is a matter of the degree of resemblance between the relevant (actual and counterfactual) outcomes and one's preferred outcomes.³⁴ Measuring the degree to which an outcome resembles one's desires becomes important when we turn to the issue of measuring how much political power one has, which we will do shortly.

Finally, I say that power is the ability to bring outcomes into conformity with one's will, *even in the face of resistance*. The notion of resistance is important because whether one realizes one's preferred outcomes will depend in large part upon the preferences of other agents. If we only looked at cases where everyone was in agreement about which outcome ought to be brought about, it would be impossible to figure out how large (or small) a role any particular agent played in bringing about the outcome. By considering cases in which wills pull in opposite directions, we can see who has the ability to make outcomes conform to his or her will. To see why, consider an example from Alvin Goldman:

Jones and I are both standing next to an open door. Jones is a muscular 250-pounder and I a 145-pounder. Let *E* be the issue of whether or not the door remains open. If both Jones and I rely on raw strength alone, it is pretty clear that he has more power than I do [with respect to] *E*. For there is a sequence of basic acts Jones can perform that would ensure that the door will be closed, no matter what basic acts I perform.... Thus, assuming Jones has the requisite beliefs, the door would stay open if Jones wanted it open, no matter how I felt about it and the door would be closed if Jones wanted it closed, no matter how I might feel about it. Should Jones and I have opposing preferences, then, Jones's preferred outcomes would be the one to occur. (1972, p. 176)

³⁴ Ruth Zimmerling puts the point this way: "[T]o say that someone has 'great' power with respect some specific issue means that, whatever the preferences of other agents may be, this agent's own preference – again: whatever it may be – can 'make a great difference' for the outcome; and, analogously, to say that he has 'little' power over it amounts to asserting that, *ceteris paribus*, the constellation of his preference can at best 'make a small difference' for the outcome. In the limit, that someone has absolute power (i.e., fully control) over an issue accordingly means that if his preference concerning the issue is *a*, then he can make the outcome be *a*, but should his preference change to *b*, he could also make the outcome be *b*" (2005, p. 52).

So, only cases of opposing preferences help us determine who has power and how much they have. This link between power and resistance has led some to claim that power cannot be exercised in the absence of actual resistance, to build such resistance into their definition of ‘power’.³⁵ This is a mistake, however. The link between power and resistance is epistemic, not metaphysical. Resistance allows us to figure out who has power, but it is not a necessary condition of someone actually having power. Even if it is impossible to know how much power I have when both Jones and I want the door to be closed, this is not a fact about how powerful either of us is. It’s not as though Jones and myself would each become powerless simply because we happened to agree on the position of the door. The mere presence or absence of resistance does not determine whether a particular case involves the exercise of power.

Now that we have seen why I say that political power is the ability to make political outcomes conform to one’s will, even in the face of resistance, let us turn to the question of measurement. A complete account of how we could measure precisely the amount of power each individual or group has is beyond the scope of this project. All I am trying to show here is that there is nothing incoherent about the notion of measuring political power in a rigorous way. Even if we are not in a position to assign a precise numerical value representing an amount of power to anyone³⁶, we can still make sense of how such measurements are possible.

³⁵ Dahl (1957) conceives of power in explicitly conflictual terms: “A has power over B to the extent that he can get B to do something that B would not otherwise do” (p. 202). Lukes (1974, p. 31) endorses a similar view of power.

³⁶ I follow Kleimt here: “To state precisely what it means to have influence on social outcomes according to one’s preferences, we should look for a measure of similarity between preferences and social outcomes. Such a measure should indicate degrees of similarity between the individual preferences and the social outcomes in a way that comes close to our intuitions about similarity between individual desires and overall social outcomes....[M]easuring power seems to presuppose some assessment of *how* close social outcomes are to individual wants, and this, in turn, seems to demand a measure of similarity between individual preferences and social outcomes. Without such a similarity measure we could only state that some influence has been exerted on social outcomes and we could not discriminate between different ‘intensities’ of influence” (Kliemt 1981, pp. 53-4).

On my conception of political power, the amount of power one has is determined by the degree of similarity between one's preferences and a given set of outcomes. The outcomes could be those that actually did occur or those that, counterfactually, would have occurred. The more closely the outcomes resemble one's preferences, the more power one has over those outcomes. (An important question that I do not even try to settle here: What is the best measure of "closeness" (degree of similarity) between a mental state and a state of affairs?) In practice, of course, it will be extremely difficult to measure how much political power anyone has.³⁷ One reason for this is the difficulty in trying to measure how similar a set of outcomes is to a set of preferences. In trying to do this, we face epistemic barriers that prevent us from knowing what preferences other people have, and we often cannot specify the content of even our own preferences with much precision.³⁸

Measurement is further complicated by my counterfactual analysis of power. For all but the most simplistic outcomes, we would have to consider a staggering number of (counterfactual)

³⁷ Dahl states the problem clearly: "A drastic limit on the rigor of concepts like power and influence is...set by the unhappy fact that no satisfactory quantitative measure of power or influence has yet been devised. Consequently the distribution of power in actual systems can be described only in qualitative terms....If our task were to compare the distribution of income or wealth in different systems we could often use acceptable quantitative indicators. But since even reasonably satisfactory quantitative indicators do not exist for power and influence, in practice we must rely on qualitative descriptions that are inherently highly inexact" (1989, p. 273). For a sense of the difficulties specific to an ability-based conception of political power, see Knight and Johnson 1997, pp. 299-310.

³⁸ As Amartya Sen points out, we should neither ignore nor regret this fact: "The need to admit incompleteness in inequality evaluation is inescapable, and there is much to be said for addressing that question explicitly rather than in grudgingly implicit ways. The incompleteness may be due to the nature of the concept itself (e.g. the idea of equality may *incorporate* substantial ambiguities), or because of the absence of information (e.g. data may be lacking that would permit some comparisons to be made), or due to the need to respect residual disagreements among the parties involved (e.g. this would relate to the acceptance of plurality as a part of an approach to fairness and justice). To 'complete' partial orderings *arbitrarily* for the sake of decisiveness, or convenience, or order, or some other worthy concern, may be a very misleading step to take. Even when the partial ranking is quite extensively incomplete, the case against 'forcing' completeness may be quite strong. Babbling is not, in general, superior to being silent on matters that are genuinely unclear or undecided" (1992, p. 134).

conditionals. And we would need to assign truth-values to each of these, which would likely be an impossible task.³⁹

Beyond the practical limits on the information available to us, there is the question of what to counterfactualize and what to hold constant. Recall that when we are interested in power, we have to look at hypothetical as well as actual preferences. A person's power consists in his ability to get not only what he actually wants but also in his ability to bring about various outcomes he could possibly want. I have the power to flip the light switch even if I don't want to flip it. I have a great deal of power over the position of the light switch because if I want it on, it will be on; and if I want it off, it will be off. In most cases of political power, however, no one can single-handedly determine the outcome; rather, several agents' preferences and corresponding actions contribute to bringing about a particular outcome that none of them could achieve alone. This raises the question of whose preferences to counterfactualize and whose to hold constant when we're trying to determine how much power each individual has with respect to the outcome. Obviously, we must counterfactualize the preferences of at least those people whose power we are concerned with. But should we counterfactualize the preferences of *only* those people? No, because this yields counter-intuitive, even inconsistent, results.

Suppose a group of 10 people jointly owns a rain-making and rain-preventing machine.⁴⁰ They vote on how and when to use their machine. A holds the most stock in the machine and has five votes. B has two votes. Everyone else (C, ..., J) has only one vote, making a total of fifteen. The majority of the 15 votes determines how and when the machine is used. Suppose we want to know how much power A and B have over whether it will rain tomorrow at noon. Assume that

³⁹ See Goldman (1974, p. 237).

⁴⁰ The example comes from Goldman (1974).

C, ..., J all prefer rain tomorrow at noon. If we counterfactualize the preferences of only A and B, we get the result that they have zero power. (Because the preferences of C, ..., J guarantee that there will be a majority of votes in favor of rain; thus, A and B make no difference.) But this is a strange result, since A and B are the two largest stockholders and together are a single vote shy of a controlling majority. And things only get worse for this method of counterfactualization if we ask how much power each of the ten individual members have. When we counterfactualize the preferences of all ten members, we get the result that A and B are indeed the most powerful members (with A more than twice as powerful as B, and B twice as powerful as any of C, ..., J). This is the intuitive result; unfortunately, it is inconsistent with the previous one, according to which A and B have zero power. So, we cannot adopt the general strategy of counterfactualizing the preferences of only those people whose power we are trying to measure. But, then, what should we do? The only way that I can see to avoid the above problematic results is to counterfactualize the preferences of everyone who could possibly, either individually or collectively, affect the outcome. The drawback of this approach is that it is practically impossible: we have neither the time nor the computing power to calculate *all* the ways in which anyone could possibly affect the outcome. But, rather than ignore this practical limitation, we should acknowledge that it may very well distort our results.⁴¹

The upshot of all this is that it will be difficult (if not impossible) to know precisely how much political power any individual or group has. None of this means that we cannot make any

⁴¹ For a more detailed discussion of the complexities of the relevant counterfactualizations, see Goldman (1974, pp. 235-8).

measurements, however.⁴² First, there is the possibility of indirect measurement. We can look to other things (e.g., money, political office, group membership) as indicators of how much political power someone has. Indirect measurement has its limitations, no doubt; but it is better than nothing. (We can be pretty sure that a wealthy person who belongs to multiple civic organizations will have more power than a pauper or a hermit.) Our prospects for measuring how much political power someone has improve even further if we make some simplifying assumptions. The measurements become much more manageable if we assume, first, that everyone is concerned with the same set of outcomes and, second, that every agent has a determinate preference about every outcome in that set.⁴³ With these assumptions in place, it becomes much easier to determine the distance between an agent's preferences and the relevant outcomes. The less distance there is, the more power she has.

Lack of precision in our measurements of power may actually be a good thing. There is a risk of over-precision here. We should be suspicious of claims such as "A has 17 units of power; B has 62; C only 3."⁴⁴ After all, an individual's store of power is not static. The amount of

⁴² See Sen 1992, pp. 46-9. Arneson makes the same point about interpersonal comparisons of welfare: "In actual political life under modern conditions, distributive agencies will be staggeringly ignorant of the facts that would have to be known in order to pinpoint what level of opportunity for welfare different persons have had. To some extent it is technically unfeasible or even physically impossible to collect the needed information, and to some extent we do not trust governments with the authority to collect that needed information, due to worries that such authority will be subject to abuse. Nonetheless, I suppose that the idea is clear in principle, and that in practice it is often feasible to make reliable rough-and-ready judgments to the effect that some people face very grim prospects for welfare compared to what others enjoy" (1989, p. 87).

⁴³ These are both idealizations; one more so than the other. The first assumption is not too much of a stretch: at least in the context of politics, most people do have preferences about (roughly) the same set of outcomes. (Though this may be decreasing with the ever-diversifying sources of political news.) The second is a bit further removed from reality, since we are often indifferent to many outcomes and our preference sets are often internally inconsistent. For a discussion of why we make these assumptions rather than others, see Kliemt (1981, pp. 54-5).

⁴⁴ Sen makes the same point about measurements of well-being: "An approach that can rank the well-being of every person against that of every other in a straightforward way, or one that can compare inequalities without any room for ambiguity or incompleteness, may well be at odds with the nature of these ideas. Both well-being and inequality are broad and partly opaque concepts. Trying to reflect them in the form of totally complete and clear-cut orderings can do less than justice to the nature of these concepts" (1992, p. 48).

power an agent has can change from one time to another. As issues and preferences shift, so does one's share of power. A further reason why a lack of precision in the measurement of power may not be a serious problem is that, on my view of how political power ought to be distributed (a version of sufficientarianism), what matters is that each person have enough power, however much that happens to be. We may not need to know exactly how much power someone has to know whether she falls above or below the relevant sufficiency threshold. It is often clear enough that someone has too little power. Imagine someone who does not speak the dominant language of the country in which she lives. Even if she had the same formal rights and protections as everyone else, she may have all sorts of trouble in actually participating in the political process: she cannot follow the media coverage; when it comes time to vote, she does not understand most of the words on her ballot; and, since she is a member of a very small minority group, no politician is too interested in making her life better. On any metric, this woman does not have enough political power. It is often equally as clear that some person or group has too much power.⁴⁵ Suppose we were to find out that every piece of legislation signed into law over a session of Congress was actively supported by Interest Group X. Up to a point, this might not be too troubling. (Perhaps if much of the legislation were uncontroversial, or if Interest Group X were simply very good at predicting which legislation had the best chance of being successful.) But let us suppose that the situation is a little less innocent. Interest Group X has enough resources and connections to ensure that the only pieces of legislation that have a chance at succeeding are those that will benefit X in some way. Most of us would object to such a situation, regardless whom or what X is lobbying for. By any measure, Interest Group X has too

⁴⁵ This claim may seem out of place from a defender of the sufficiency view – since, traditionally, such a view is not concerned with the gaps within distributions, nor with just how well off those at the top of the distribution are. But things change when we're dealing with a competitive good such as political power. If someone has too much power, then someone else must not have enough. More on this below.

much political power. Our intuition is that, in a properly-functioning system, no one should win all the time. We do not need a precise measure of political power to find out that someone is winning all the time.

To sum up our discussion of the measurement of power: If we conceive of political power as the ability to make political outcomes conform to one's will, we can measure how much of it someone has, but not very precisely.

I will close this chapter with a brief discussion of the competitive aspect of political power. Since this idea will play a significant role in the arguments of the following chapters, it is worth taking some time to get clear on what it means to say that political power is a competitive good. Put most simply, it means that how much power I have depends in large part upon how much others have.⁴⁶ (This is why it is rarely helpful to say something like "A has an absolute power score of 17," without reference to how much power anyone else has.) If I were the only person in the world, my power would be limited only by my own physical and mental limitations. My will would determine the outcomes. But as soon as other people enter the picture, their preferences and actions begin to affect my ability to bring about my preferred outcomes.

One might think that political power's status as a competitive good entails that power is a constant-sum (or "zero-sum") good. But that is not true: a competitive good need not be a constant-sum good. A good is constant sum if there is a fixed amount of it – i.e., the overall amount can neither increase nor decrease. Assuming there are only two people competing, if X's

⁴⁶ In this respect, political power is what Harry Brighouse and Adam Swift (2006) call a positional good. David Estlund (2000, pp. 134-5) also makes the point that political power is a competitive good. This means that if the power of one individual or group increases, then the power of some others must decrease; and if one's power decreases, then another's must increase. Though, as we shall see, this does not entail that political power is a constant-sum good.

share of a constant-sum good increases by five, then Y's the share of the good must decrease by exactly five. What about political power? Can someone become more powerful without anyone else becoming less powerful? We often talk as though this were impossible – i.e., as though political power were a constant-sum good. After all, many of the most publicized political events involve a fixed number of people competing for a scarce resource. Take an election, for instance. Supposing that neither candidate is the incumbent, whoever wins the election will likely see a dramatic increase in his power. But corresponding to this increase will be the decrease in power felt by the office-holder being replaced and by the losing candidate(s). Why do such cases not prove that the distribution of power is constant sum? Because political power is an ability, not a resource. (Remember the vehicle fallacy.) Even if the resources that affect political power are constant sum (e.g., elected offices), political power itself may not be. And, in many cases, the number of agents competing in the political sphere is not fixed: the total number of participants in any given decision-making process can rise or fall.

Whether we think political power is a constant-sum good depends on whether we think ability itself is constant sum. Suppose an agent – call him First – has the ability to turn on the lights in a room. Now suppose another agent – call him Second – enters the room. Second has all the same physical and cognitive tools that First has. Either First or Second, if he were alone in the room, is clearly able to put the light switch in the On or Off position. The issue of whether ability is constant sum hinges on how we answer the following question: Is either agent less able to turn on the lights simply because he is not alone in the room? If yes – i.e., the presence of additional agents decreases the ability of each individual agent – this suggests that ability (and, by extension, political power) is constant sum; it suggests that the total amount of ability in the world can neither increase nor decrease. But if no – i.e., each individual agent remains just as

able to achieve his desired result despite the presence of additional agents – this suggests that ability (and, by extension, political power) is not constant sum; it suggests that the total amount of power increases as the number of agents increases.⁴⁷

The question is, Does the ability of an agent to do something decrease with the addition of other agents who have the same ability, or does each agent retain the same level of ability regardless of the number of similarly-abled agents present? To answer this question, we need to take a closer look at the concept of ability. I suggest that we adopt John Greco's (2009) analysis of ability.⁴⁸ Greco's basic idea is that we cash out talk of ability in terms of prospects of success in nearby possible worlds. An agent has the ability to achieve some result if he has a high rate of achieving that result in nearby possible worlds. As Greco puts it: "S has an ability A(R/C) relative to environment E = Across the set of relevantly close worlds W where S is in C and in E, S has a high rate of success in achieving R" (p. 22). On this account, whether the agent (S) has an ability (A) obviously depends on how we specify the situation: which possible worlds (W) are relevantly close, what result (R) we are interested in, what the conditions (C) are, and what the agent's environment (E) is like.⁴⁹ And that seems right, since our willingness to attribute an

⁴⁷ Why do I say 'suggests' rather than 'entails'? Because there is room for someone to say that each additional agent decreases the ability of existing agents somewhat, without saying that the total amount of power does not increase at all. In other words, someone could say that each additional agent decreases the ability of the initial agent(s) to some degree, but that there is still more ability overall than there was initially.

⁴⁸ Greco's analysis arises in the context of virtue epistemology, but I believe it still fits the sort of case we are talking about here.

⁴⁹ The reason we have to consider all of these variables is that abilities are dispositions: "to say that someone has an ability to achieve some result is to say both more and less than that they have a good track record with respect to achieving that result. This is because abilities are dispositional properties: to say that S has the ability to achieve result R is to say that S has a disposition or tendency to achieve R across some range of relevantly close worlds. Actual track records can be the result of good luck rather than ability. Likewise, actual track records can be the result of bad luck rather than lack of ability. Again, to say that S has an ability is to say that S has a high rate of success across relevantly close possible worlds" (Greco, p. 22).

ability to someone does depend on the details of the situation.⁵⁰ But we still need a strategy for filling in each of these variables in a particular case. If we want to know what effect Second's presence has on First's ability to turn on the lights, which possible worlds do we need to look at? Which aspects of First's environment are relevant? (Does the temperature in the room matter? What about the location of Second relative to First?) Greco proposes that we look to the broader context for guidance here – what hangs on the question, whether we should err on the side of generosity or stinginess in our ability-attributions, and so on. In other words, we cannot give an unqualified answer to the question whether First's ability to turn on the lights is affected by Second until we fill in the relevant details about the environment, the circumstances, etc.; and we cannot know how to fill in those details until we know why we're interested in the question and how important it is for us to get the right answer. Therefore, rather than run through all the permutations of the case that would yield a positive answer to our initial question – “Does Second's presence affect First's ability to turn on the lights?” – and all of those that would yield a negative answer, I will sketch one of each and spell out its implications for our discussion of political power.

Let us begin with the what would make us answer yes – i.e., say that First's ability to turn on the lights is not affected by Second's presence. How would we have to fill in the details of the case to make this claim true? We have to say that Second is not a relevant part of First's conditions (C) or environment (E) in all the possible worlds (W) near enough to the actual world to matter. Whatever else may affect First's rate of success in turning on the lights (e.g., the height of the switch, the type of switch, whether the bulb is burnt out), Second does not. If we

⁵⁰ As Greco puts it: “abilities in general are always relative to environments. For example, Derek Jeter has the ability to hit fastballs relative to normal environments for playing baseball. He does not have that ability relative to an active war zone, where he would be too distracted to focus on the ball. In general, when we attribute an ability we have in mind some relevant environment, as well as relevant conditions, etc.” (Greco, p. 21).

say this, then First still has just as much ability to turn on the lights as he did before Second entered the picture.

What would this commit us to in regards to political power? If First's ability to turn on the lights is not affected by Second, then political power is not a constant-sum good.⁵¹ It is not constant sum because we could increase the total amount of power in the world. As the number of agents with power increases, so does the total amount of power. The presence of additional agents may decrease the other agent's actual influence, but that is beside the point. We are concerned with ability to influence – i.e., power – not actual influence.⁵²

Let us now consider what we would have to say to answer no – i.e., say that Second's presence *does* affect First's ability to turn on the lights. In order to make this claim true – and thereby support the idea that political power is a constant-sum good – we would have to say that a possible world (W) in which Second interferes with First's attempt to turn on the lights is not very distant. Second does not change anything about First's physical or cognitive tools, but he changes the conditions (C) or environment (E) in a way that makes it less likely that First will succeed at putting the light switch in the position he chooses. If we say any of these things, we are saying that the presence of an additional agent makes the initial agent less able. An agent's power decreases with the introduction of every additional agent. Regardless of what the

⁵¹ This is the view defended by Peter Morriess (2002, pp. 91-2), who argues that, because it is an ability, power cannot be constant sum.

⁵² This is why we cannot increase your power by making other people have the same preferences you do. The fact that ten people rather than two agree with you does not make you more powerful. Why not? Because we have to counterfactualize other people's desires to determine how powerful you are; so, it does not matter what they happen to want at any given time, but rather what they could want and how this would affect your ability to realize your preferred outcome. (Note well: This shows that political power is not a constant-sum good; it does not show that political power is not a competitive good. Political power is competitive because how much I have still depends on how much you have, but it is not constant-sum because we could all end up with more than we stated with.)

additional agents actually want, their preferences could conflict with those of the initial agent, thus frustrating his attempts to get what he wants.

How does this relate to political power? If we say that each individual agent remains just as able to achieve his desired result despite the presence of additional agents, this suggests that political power is constant sum. The total amount of power remains the same as the number of agents increases.

I will not try to settle the issue of whether political power is constant sum by defending a particular interpretation of the First/Second case, but I will explain why it matters. The question of whether political power is a constant-sum good matters because in subsequent chapters we will be looking at various claims about how political power ought to be distributed. Suppose one says that Smith ought to have more power than she currently does. If power is a constant sum, then giving Smith more of it will necessarily involve taking that same amount of power from some other individual(s) or group(s). But if political power is not constant sum, then it may be possible to increase Smith's share without decreasing anyone else's.

I will say just one more thing about my conception of political power. In the following chapters, I treat political power as a distributional good – i.e., as a good that can be distributed in accordance with some principle(s). The reader might worry that there is something strange going on here. We don't usually think of political power as the sort of thing that can be (re)distributed in the way that, say, money can be. Nevertheless, I think it is at least intelligible to treat political power as a distributional good. For one, (re)distributing political power is no more mysterious than (re)distributing primary goods, welfare, or capabilities for functioning. In this respect, then, my view is on par with many others.⁵³ Secondly, political power requires various other goods –

⁵³ Cf. Rawls (1971 and 2005); Dworkin (1981a and 1981b); G.A. Cohen (1989); Arneson (1989); Sen (1992).

e.g., wealth, education, access to media. Thus, we can alter the distribution of political power by altering the distribution of these other goods. To be sure, some aspects of political power are a matter of brute luck; how charismatic, rhetorically gifted, or physically attractive one is (for the most part) beyond anyone's control. But the distribution of power depends in various ways on social institutions; because of the way the judicial system is set up, for example, a member of the United States Supreme Court has more political power than a federal prosecutor; the prosecutor has more power than a local justice of the peace; and each of these public officials has more power than most citizens. So we can change the way power is distributed by changing the way our social institutions are structured.

III.

We began this chapter by trying to understand what political equality is. I argued that any plausible conception of political equality should be able to account for both the moral and the amoral dimensions of politics. I suggested that political equality is best understood as equality of political power. This led us to look more closely at political power. I proposed that we think of political power as the ability to make political outcomes conform to one's will, even in the face of resistance. We thus arrived at a conception of political equality according to which two people are political equals insofar as they have equal ability to influence political outcomes.

Our discussion of political power was worthwhile not only because that notion plays a key role in my conception of political equality but also because we will soon be focused on the question of how political power ought to be distributed. The most common answer to this

question is “equally.” And it is to arguments for an equal distribution of political power that we now turn.

Chapter 2: Arguments from Moral Equality

Once we have a conception of political equality in hand, we can ask whether it is an attractive ideal. Political egalitarians claim that it is. Political egalitarianism is the view that political power ought to be distributed equally among the members of society. I divide arguments for political egalitarianism into two groups. Arguments in the first group aim to prove that an equal distribution of political power is a necessary part of treating all persons as moral equals.⁵⁴ Such arguments are the focus of this chapter. Arguments in the second group, which are the focus of the next chapter, claim that political equality is a necessary condition of political legitimacy.

In the first section of this chapter, I will look at several statements of political egalitarianism, with the aim of showing that many people do in fact endorse political egalitarianism. In the next section, I explain why two common objections to egalitarianism in general are not serious threats to political egalitarianism. I then consider two moral-equality-based arguments for political egalitarianism. The first is from Harry Brighouse, the second from Thomas Christiano.⁵⁵ I claim that these arguments do not succeed in establishing political equality as a moral ideal. Eventually, in Chapter 4, I will argue that the key premises of these arguments – (1) the fact that all persons are of equal moral worth and (2) the claim that this fact has distributive consequences in the political sphere – actually support a non-egalitarian

⁵⁴ As subsequent chapters will show, all the arguments for political egalitarianism or sufficientarianism that we will consider are arguments from moral equality in one form or another. The arguments in this chapter are simply the most direct; they try to infer political egalitarianism directly from the demand that we treat all persons as persons of equal moral worth. The arguments in Chapter 3 each have at least one intermediary step; they appeal to various values at stake in the political arena, the advancement of which affect people's moral interests.

⁵⁵ For related arguments for political egalitarianism, see Michael Walzer (1986) and John Rawls (2005, pp. 325-31). I focus on the arguments of Brighouse and Christiano because they are the most fully developed ones I have found.

distributive ideal for political power. So I agree with Brighouse and Christiano that we ought to treat each citizen as a person of equal moral worth, but I disagree with them on the question of whether maintaining an equal distribution of political power is the only way to fulfill this obligation.

I.

Before I begin criticizing political egalitarianism, I want to show that I am not attacking a straw man. I have formulated political egalitarianism as the thesis that political power – understood as the ability to make political outcomes conform to one’s will, even in the face of resistance – ought to be distributed equally. In this section, I will show that, although none of them describe the distributive ideal for political power in precisely these terms, all of the theorists that figure prominently in what follows – Harry Brighouse, Joshua Cohen, Thomas Christiano, Jürgen Habermas, and Robert Dahl – do in fact accept this thesis. I will show that each conceives of political power as I do, and that each argues for the equal distribution of political power so conceived.

Brighouse (1996) argues for what he calls *equal availability of political influence*. This ideal is realized, “when equal means to affect the collective conditions of their shared social life are available to each citizen” (p. 119). I believe that it is fair to read this as a statement of political egalitarianism for several reasons. First, power is an ability. If an agent is able to do something, then it is necessarily available to him, in the sense that he has the option to do it. Thus, the sense of ‘ability’ that plays a role in my conception of political power encompasses the sense of ‘availability’ that plays a role in Brighouse’s statement. Second, Brighouse’s ‘collective

conditions of...shared social life' is just another way of describing what I call political outcomes. Third, Brighouse later unpacks his ideal as calling for everyone to have an equal opportunity "to get things to go their way," (p. 124) which conveys the same idea as my talk of the ability to make outcomes conform to one's will. Therefore, Brighouse's equal availability of political influence is equivalent to what I call an equal distribution of political power. And he is a political egalitarian because he holds that we ought to bring about such a distribution: "The obligation of equal respect towards others yields an obligation to ensure that social institutions embody a presumption of equal respect for all citizens. The claim is that making available equal political influence is the proper institutionalisation of that presumption" (p. 124).

Joshua Cohen's (2009) distributive ideal is almost identical to Brighouse's. The only difference between Cohen's ideal – *equal opportunity for political influence* – and Brighouse's is the term 'opportunity' in place of 'availability'. As far as I can tell, this is merely a terminological difference, not a substantive one.⁵⁶ Thus, if Brighouse is a political egalitarian, then so is Cohen. But even if I am wrong about Brighouse, it is clear that Cohen endorses political egalitarianism. He claims that an equal distribution of power is one of the necessary conditions of political legitimacy:

Democratic collective choice—institutionalizing the tie between deliberative justification and the exercise of public power—must ensure equal rights of

⁵⁶ Brighouse and Cohen are both working with Rawls's conception of equality of opportunity, according to which X and Y have equal opportunity for Z if and only if, assuming they are equally skilled and equally hard-working, they have the same chances of getting Z. As Rawls puts it: "those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success" (Rawls 1971, p. 73). You can see this in Brighouse when he unpacks 'equal availability of political influence' in terms of assigning probabilities for success (1996, p. 119). And Cohen explicitly acknowledges his debt to Rawls on this score: "For the sake of discussion here, I rely on Rawls's conception of equal opportunity" (2009, p. 272). Thus, I see no reason why Brighouse would not accept the following statement about the distributive ideal for political power from Cohen: "[It] condemns inequalities in the opportunities for holding office and influencing political decisions (by influencing the outcomes of elections, the positions of candidates, and the conduct of inter-election legislative and administrative decision making)" (ibid., p.271).

participation, including rights of voting, association, and political expression, with a strong presumption against restrictions on the content or viewpoint of expressions; rights to hold office; a strong presumption in favor of equally weighted votes; and a more general requirement of equal opportunities for effective influence. This last requirement condemns inequalities in opportunities for office holding and political influence that result from the design of arrangements of collective decision making. (2009, p. 170)

In other words, our institutions for making collective decisions ought to be structured in a way that gives everyone equal ability to influence the outcomes of the collective decision-making process.

It is not so easy to prove that Habermas is a political egalitarian. Nevertheless, I am confident that he is. For starters, Habermas's conception of power – and, by extension, political equality – is very similar to my own. He defines 'social power' as "a measure for the possibilities an actor has in social relationships to assert his own will and interests, even against the opposition of others" (1996, p. 175). Given my broad conception of political outcomes (see pp. 23-6 above), this definition of social power is equivalent to my definition of political power. Of course, this is merely a definition of power, not a statement about how it ought to be distributed. My confidence that Habermas endorses an equal distribution of political power comes from his views on legitimacy. He says that legitimacy requires a rational deliberative process: "the only law that counts as legitimate is one that could be rationally accepted by all citizens in a discursive process of opinion- and will-formation" (1996, p. 135). He then says that such a process is possible only when all participants are equally able to participate:

[A]ll political power derives from the communicative power of citizens. The exercise of public authority is oriented and legitimated by the laws citizens give themselves in a discursively structured opinion- and will-formation....[T]his practice...owes its legitimating force to a *democratic procedure* intended to guarantee a rational treatment of political questions. The rational acceptability of results achieved in conformity with procedure follows from the institutionalization of interlinked forms of communication that, ideally speaking, ensure that all relevant questions, issues, and contributions are brought up and

processed in discourses and negotiations on the basis of the best available information and arguments. (ibid., p. 170, emphasis in the original)

So legitimacy requires an equal distribution of political power. Thus, like Brighouse and Cohen, Habermas is a political egalitarian.

We now turn to Christiano. He does not use the term ‘political power,’ but several things he does say suggest that he conceives of the ability to make political outcomes conform to one’s will as a distributive good; for instance, “We can...distribute resources for participating in the collective decision-making that shapes [our] common world. We can distribute votes, resources for bargaining, coalition building, and deliberation” (2008, p. 85). I do not see any significant difference between ‘resources for participating in collective decision-making’ and what I call political power. So it looks like we can attribute my conception of political power to Christiano. From there it is a short step to showing that Christiano endorses political egalitarianism, since he clearly holds that the resources for participating in collective decision-making ought to be distributed equally:

[E]ach person’s judgment about how society ought to be organized must be taken seriously. If someone’s judgment is not permitted a say in society, then [his interests] will be set back. Anyone who is excluded from participation in discussion and decision-making can see that his or her interests are not being taken seriously and may legitimately infer that his or her moral standing is being treated as less than that of others. So justice...demands an equal say for each. (ibid., p. 88)

Thus, I think it is fair to apply the label ‘political egalitarian’ to Christiano.

Finally, let us consider Dahl. The best indication of his understanding of political equality comes in his discussion of obstacles to it. The largest obstacle to political equality, he says, is the fact that “[p]olitical resources...are always and everywhere distributed unequally” (2006, p. 51). Political resources are “any means that a person can use to influence the behavior of other persons” (ibid.). At first glance, this may not sound like a definition of

political power, but it will if one recalls our discussion of the proper object of exercises of political power (see pp. 20-3 above). Dahl claims that exercises of political power, strictly speaking, must affect the behavior of some agent(s). I disagree with him on this point, claiming that some paradigmatic exercises of political power do not affect anyone's behavior. But I agree with Dahl that, in most cases, political power does affect behavior. So, Dahl's definition of a political resource – “any means...to influence the behavior of other persons” – captures (almost) all of my definition of political power – “the ability to make political outcomes conform to one's will.” At the very least, the two definitions are (almost) extensionally equivalent.⁵⁷ Therefore, we can say that Dahl shares my conception of political power. With that settled, it is easy to show that Dahl is a political egalitarian. There is clear textual evidence that he supports an equal distribution of political power: “[O]pportunities to exercise power over the state, or more concretely over the decisions of the government of the state...ought to be distributed equally among all citizens” (1989, p. 325). In short, Dahl is a political egalitarian.

To sum up: The theorists whose arguments we will be looking at in this chapter and the next do actually defend political egalitarianism. I am not attacking a straw man.

II.

Do we really need to bother with arguments for political egalitarianism? After all, there are some well-known objections to egalitarianism in general; namely, the conflict between equality and responsibility, and the leveling down objection. Many anti-egalitarians take these as conclusive

⁵⁷ The only place where Dahl's definition of a political resource and my definition of political power come apart are cases in which no behavior is affected. Since my arguments against Dahl's political egalitarianism do not rely on any cases of this sort, we can safely ignore this difference from here on.

proof that egalitarianism of any sort is false. This is a mistake, however. Making room for responsibility and avoiding the leveling down objection are serious challenges for some forms of egalitarianism, but not for political egalitarianism.

Let us begin with the conflict between equality and responsibility. In a free society, some people will quickly become worse off than others because of choices they freely and intentionally make, choices for which they should be held responsible. If we want to maintain an equal distribution of a particular good, we will often have to prevent people from bearing the full burden of their choices. Take wealth, for instance. Suppose that today we achieve perfect equality of wealth: every adult citizen has a net worth of exactly \$1 million. Now suppose that tomorrow Jones makes some risky investments that play out well for him; he's then worth \$2 million. Smith, on the other hand, chooses to drive drunk tomorrow night. He wraps his car around a tree; his hospital bills nearly wipe him out financially – his net worth is down to \$300. Should we step in and restore economic equality between Jones and Smith? Or should we allow both of them to live with the consequences of their actions? The values of equality and responsibility pull in opposite directions here.

I will not spend much time on this conflict. To begin with, it has been discussed extensively elsewhere.⁵⁸ And, more importantly, the conflict between equality and responsibility is mitigated in the case of political egalitarianism by the fact that power is an ability. Political egalitarianism calls for an equal distribution of political power, which is (on my account) the

⁵⁸ See the debates surrounding “luck egalitarianism,” which limits the scope of egalitarian concern to those inequalities which are the result of luck. The primary motivation behind luck egalitarianism is to reconcile the conflict between equality and personal responsibility. The central idea of luck egalitarianism is that it is bad for some people, through no fault of their own, to be worse off than others. In other words, inequalities may be morally acceptable if those who are worse off did something to deserve their lesser lot. For some classic statements of this view, see Dworkin (1981b), Arneson (1989), and G.A. Cohen (1989). For an extended criticism of luck egalitarianism, see Anderson (1999).

ability to influence political outcomes. And preserving an equal distribution of an ability usually requires less intervention than does preserving an equal distribution of some other good.⁵⁹ Suppose I never vote and you always vote. Assuming we are equal in every other way, you will have had – and, if our habits do not change, will continue to have – more influence than me. Since my relative lack of influence is a result of a decision I freely and intentionally made, I am responsible for it. If our society takes responsibility seriously, it will allow this difference in actual influence to stand. And our society could do this and still be committed to political equality. The central claim of political egalitarianism – that everyone ought to have equal *ability* to influence the political process – does not say anything about inequalities of actual influence. In the imagined scenario, you and I remain political equals. I have just as much ability as you to influence the political process. If I were to decide to exercise my ability to cast a ballot, we would then have the same amount of actual influence as well. Thus, a commitment to maintaining an equal distribution of political power need not prevent us from holding people responsible for the decisions they make.

Now for the leveling down objection. One way to achieve greater equality is to make those who are best off somewhat less well off. This brings them closer to those at the bottom end of the distribution, thus making the overall distribution more equal. This is “leveling down” because we make some (much) worse off and no one better off.⁶⁰ It looks like an egalitarian has to admit that there is something good about the more equal distribution and that, at least in some

⁵⁹ It is not always true that it is easier to preserve an equal distribution of ability than of some other good. If someone becomes cognitively disabled, for example, it could require a tremendous amount of intervention to bring him back up to the same level of ability that his healthy neighbors have. We will return to the issue of disability in this context later in this chapter.

⁶⁰ For more precise formulations of this objection, see Parfit (2002) and Temkin (1993, Ch. 9).

cases, we ought to level down. But this strikes most of us as absurd: How can there be anything good about making some worse off while making none better off?⁶¹

This objection does not have much force against political egalitarianism, however.⁶² This is due to the competitive nature of political power. Because political power is a competitive good, decreasing the share of some entails increasing the share of others. Hence, strictly speaking, leveling down with respect to political power is impossible: one cannot make some worse off without thereby making others better off.⁶³

Note well: the political egalitarian's ability to avoid the leveling down objection is contingent on a couple of assumptions. First, we must assume that power is being distributed among a fixed number of agents. If this were not the case, then we could level down in the following sense: we could reduce the power of every existing agent by giving it to some "new" agent. Second, we must assume that political power is roughly, if not exactly, constant sum.⁶⁴ Without this assumption, it would be possible to level down with respect to political power simply by reducing the total amount of power. If power is constant sum, however, the power we take away from someone must go to someone else; it does not disappear.

⁶¹ The sense of absurdity here is not universal. Temkin (1993) bites the bullet on leveling down; he says that there *is* something good about the leveled-down distribution – namely, it's more equal. And Brighouse (1996) endorses leveling down in the sphere of resources if that is the only way to achieve equality in the sphere of political power.

⁶² Many egalitarians insist that they can avoid the leveling down objection. They argue that once we understand the underlying commitments of egalitarianism we will see that there is nothing good about increasing equality by leveling down. Paula Casal (2007) explores several interesting responses along these lines (pp. 299, 308-9, 323-4). For Christiano's response to the leveling down objection, see Christiano (2008, pp. 32-42).

⁶³ Brighouse and Swift (2006) make the same point about all competitive goods. They argue that egalitarians, prioritarians, and sufficientarians should all support leveling down (at least to some extent) with respect to such goods.

⁶⁴ Recall that a good is constant sum insofar as the total amount of it cannot be increased or decreased. For a fuller discussion of constant-sum goods, see pp. 34-9 above.

III.

With the worries about responsibility and leveling down behind us, we can now turn to arguments for political egalitarianism.

The first argument for political egalitarianism that we will consider comes from Harry Brighouse (1996). The structure of his argument is simple: we ought to express equal respect to all persons; expressing equal respect requires an equal distribution of political power; therefore, we ought to distribute political power equally among all persons. Here is a more detailed reconstruction:

1. Each person is of equal moral worth.
2. We ought to treat persons of equal moral worth with equal concern and respect.
3. A necessary part of being treated with equal concern and respect is having an equal opportunity to shape the world in which one lives. (In other words, one cannot be treated with equal concern and respect unless one has an equal share of political power.)
4. How much political power anyone has depends on how political institutions are structured.
5. Therefore, we ought to structure our political institutions in a way that guarantees each person an equal share of political power.⁶⁵

There's the argument. I think it is unsound. But before I explain why I think this, let us look briefly at each step.

⁶⁵ In Brighouse's own words: "Making available to others equal influence over design of the institutions and the decisions made through them gives them as full an opportunity as everyone else has...to get things to go their way... The obligation of equal respect towards others yields an obligation to ensure that social institutions embody a presumption of equal respect for all citizens...[M]aking available equal political influence is the proper institutionalisation of that presumption" (1996, p. 124).

I have no objection to the first premise – the presumption of equal moral worth. There is no good reason to think that (most of) the people we live alongside are any more or less valuable than anyone else.

Nor do I question Brighouse's second premise – the claim that we ought to treat moral equals with equal concern and respect. This principle is abstract enough to be agreed upon by people who disagree on nearly everything else.

The controversy begins with the third premise – the claim that having an equal share of political power is a necessary condition of being treated with equal concern and respect. In defense of this claim, Brighouse says:

The argument for [political egalitarianism] is that guaranteeing that equal influence will be available to them over our collective circumstances is a requisite of expressing respect for our fellow citizens. Consider the ways in which equal respect is expressed within some affective associations; for example, in a group of friends. We express equal respect in such contexts by consulting all who wish to assert their preferences in making decisions about where to go for dinner or which movie to see. If we fail to consult one member of the group, or, having consulted her, fail to take her preferences into account when making the decision, that is usually a sign of relative disrespect. Systematically giving one friend's input more or less weight than the others, or giving them more or less opportunity to get themselves heard, would similarly count as expressing unequal respect. (p. 123)

The underlying idea seems to be that each of us should have equal influence over collective decisions because we are all equally important and equally affected by the collective decisions our society makes. What is controversial about this? Brighouse assumes that all of the reasons why a society might allow someone to have less than equal political power are nefarious. But, as I will soon argue, there are innocuous reasons for designing our political institutions in a way that gives some people more power than others.

Moving on to the fourth premise – the claim that the political institutions of one's society affect how much political power one has. Like the first two, it's hard to dispute. Political

institutions are the primary means by which we interact with our fellow citizens as citizens; so, clearly, how much political power anyone has depends on how political institutions are structured.

Since the argument is valid, its soundness turns on the truth or falsity of its premises. I maintain that the third premise is false. Brighthouse claims that, in a large, complex political community, an equal share of political power is a necessary condition of being treated with equal concern and respect. I will now make the case that someone can be treated with equal concern and respect even if he does not have an equal share of political power.

There are many reasons why a society might allow someone to have a less-than-equal share of political power. Some of these obviously express a lack of concern and respect; for example, not allowing a person to vote simply because of her gender. This is not true of all such reasons, however. Suppose we deprived all immigrants (even those who became naturalized citizens) of an equal share of political power. Immigrants can do everything native citizens can, except hold certain public offices, say. We justify this on the grounds that immigrants may have residual loyalties to their home countries.⁶⁶ We acknowledge that everyone (immigrants and native citizens alike) are owed equal concern and respect, but we say that, with an eye toward a potential threat to stability, we are not going to allow immigrants to have the same amount of power as native citizens.

⁶⁶ This is not as far-fetched a concern as it may initially appear. Consider the “oath of allegiance” that all naturalized citizens of the United States must take: “I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.”

Is such a scheme consistent with treating everyone with equal concern and respect? I believe it is. According to Brighouse, we ought to ensure that everyone has an equal share of political power because it “gives them as full an opportunity as everyone else has...to get things to go their way” (p. 124). And we can give everyone as full an opportunity as everyone else to get things to go their way even if some have more power than others. Suppose we tell everyone that, even if others have more influence over the process than they do, we will make sure that outcomes “go their way” an equal amount of the time. That is, we will make sure that their interests are advanced to the same degree as everyone else’s. Would we be treating these people with a lack of concern and respect? I don’t think so. I suspect that most people are less sensitive to inequalities in the political decision-making process than Brighouse assumes. Even among those who are very concerned with political outcomes (the effects of political decisions on themselves and those they care about), most are not worried about the *process* that leads up to those outcomes. This opens up the possibility of tradeoffs or compensation for a lack of political power. Imagine that Jones was not born in the U.S. but became a naturalized citizen many years ago. Assume that he has less political power than everyone else simply because he is not eligible to become president of the country (due to the constitutional requirement that the president be a native citizen). Now imagine that rather than try to equalize Jones’s political power by changing the constitution, we compensate him by giving him special tax breaks and exempting him from some public-service duties that native citizens must fulfill. Are we treating Jones with less-than-equal concern and respect? No. We recognize that he lacks some of the opportunities available to many of his fellow citizens, and we try to offset this disadvantage with some other benefits. Thus, the case of Jones appears to be a counter-example to Brighouse’s claim that ensuring

someone has equal political power is a necessary condition for treating him as a person of equal moral worth.

How would Brighouse respond to this case? He would likely deny that it is a counter-example to his argument for political egalitarianism by insisting that we are not treating Jones with equal concern and respect. There are a couple of reasons why he might say this. First, Brighouse could say that political decision-making is a context of pure procedural justice – i.e., one in which there is no procedure-independent standard for what a just outcome looks like.⁶⁷ If there is no procedure-independent standard for what equal concern and respect amounts to, then trying to treat someone with equal concern and respect without giving him an equal say in the process would be a non-starter. I doubt that this is Brighouse's reason for insisting that Jones is not treated with equal concern and respect, however. If it were, the scope of his thesis would be limited to only those political decisions that are cases of pure procedural justice. And I assume that Brighouse wants his political egalitarianism to apply to (at least some) cases that are not of this sort – i.e., cases in which we do know what a just outcome would look like. Take a law that permits slavery, for example. Surely Brighouse wants to be able to say that it would be unjust if this law were enacted (no matter the procedure that led up to its enactment), and that everyone ought to have an equal share of power in the decision-making process surrounding the law. If he does want to say both of these things, then he cannot say that political egalitarianism applies only

⁶⁷ Rawls explains the concept of pure procedural justice as follows: “[Pure procedural justice] contrasts with perfect procedural justice, where there is an independent and already given criterion of what is just (or fair), and the procedure can be designed to insure an outcome satisfying that criterion. This is illustrated by the familiar example of dividing a cake: if equal division is accepted as fair, then we simply require the person who cuts the cake to have the last piece.... The essential feature of pure procedural justice, as opposed to perfect procedural justice, is that what is just is specified by the outcome of the procedure, whatever it may be. There is no prior and already given criterion against which the outcome is to be checked” (2005, pp. 72-3).

to cases of pure procedural justice. Thus, he cannot appeal to the latter claim as a way of avoiding the apparent counter-example involving Jones.

The second reason why Brighouse might deny that Jones is treated with equal concern and respect in the above case is that he holds that there is something inherently disrespectful about allowing Jones to have less than equal political power, even if someone else advances Jones' interests as well as (if not better) than he himself could. The most plausible explanation of why this is so would involve an appeal to the value of autonomy. Allowing Jones to have less political power than his native born neighbors shows a lack of respect for Jones's status as an autonomous agent.

We cannot evaluate this proposal until we get clear on what 'autonomy' means here. A person is autonomous insofar as he lives by his own lights. More precisely, a person is autonomous insofar as he is (to a significant degree) author of his own life and is responsive to the reasons provided by his situation.⁶⁸ To be autonomous, one must be able to choose rationally between a range of valuable options.

Why this relatively demanding notion of autonomy rather than the more common one of "acting in accordance with one's own will"? Because the former, unlike the latter, offers a

⁶⁸ This conception of autonomy is adapted from Raz (1986 and 1994) and Sher (1997). Raz: "An autonomous agent or person is one who has the capacity to be or to become significantly autonomous at least to a minimal degree. Significant autonomy is a matter of degree. A person may be more or less autonomous. (Significantly) autonomous persons are those who can shape their life and determine its course. They are not merely rational agents who can choose between options after evaluating relevant information, but agents who can in addition adopt personal projects, develop relationships, and accept commitments to causes, through which their personal integrity and sense of dignity and self-respect are made concrete. In a word, significantly autonomous agents are part creators of their own moral world. Persons who are part creators of their own moral world have a commitment to projects, relationships, and causes which affects the kind of life that is for them worth living. It is not that they may not sacrifice projects or causes they are committed to for good reasons, but rather that there are certain kinds of actions vis-à-vis their commitments which amount to betrayal, compromise their integrity, sacrifice their self-respect, and in extreme cases render their life, i.e. the life they made for themselves, worthless or even impossible (in a moral sense)" (154-5). Sher: "[O]n the reading I favor, autonomous agents are self-directing in the...sense of exercising their will *on the basis of good reasons*....[I]n this context 'self-directed activity' means 'activity that is motivated by an agent's appreciation of reasons provided by his situation'" (48).

straightforward explanation of why autonomy is valuable. If autonomy were simply acting in accordance with one's own will, it is not obvious why being autonomous would be good thing. People's wills can (and often do) lead them to do bad things. On the view of autonomy I am adopting, autonomy is valuable if practical rationality itself is valuable. If it is good for people to act for good reasons (as opposed to bad ones or none at all), then it is good for people to be autonomous.⁶⁹

(Let me head off an obvious worry about taking reason-responsiveness to be a necessary element of autonomy. The worry is that this makes autonomy a rare commodity. Since it requires us to respond rationally to some very complex situations, autonomy seems to require knowledge of all sorts of moral and nonmoral factors that we are often ignorant of. Suppose I have \$20 to spend as I choose. Now suppose that even though I ought, all things considered, to donate it to charity, I spend it all at the movies instead. Intuitively, I still act autonomously despite the fact that I did not respond to the reasons in the best way possible. The worry is that my view of autonomy must deny the intuitively plausible claim that an agent can be autonomous even if he falls (far) short of perfect rationality. But this worry is misplaced. First of all, autonomy does not require perfect rationality. It requires one to respond to sufficiently strong reasons, not necessarily the strongest ones.⁷⁰ Suppose I ought, all things considered, to prepare for my lecture, but I really want to go for a walk instead. Assuming my desire to go for a walk is strong enough and the consequences of being poorly prepared for my lecture are not too serious,

⁶⁹ Sher puts the point this way: "[I]f autonomy is *reasoned* self-direction – if it consists precisely in recognizing and allowing oneself to be guided by rational considerations – then its...value is essentially that of (practical) rationality itself" (1997, p. 50). Raz puts the point in terms of what makes an autonomous life valuable: "[A]utonomy is valuable only if one steers a course for one's life through significant choices among diverse and valuable options. The underlying idea is that autonomous people had a variety of incompatible opportunities available to them which would have enabled them to develop their lives in different directions. Their lives are what they are because of the choices made in situations where they were free to go various different ways" (1994, p. 119).

⁷⁰ See Sher (1997, pp. 53-5).

I could autonomously choose to go for the walk. Even though the reasons to prepare for the lecture are stronger, the reasons provided by my desire to walk are real reasons nonetheless. Moreover, many of the reasons an autonomous agent must respond to are based in the agent's own desires, talents, goals, etc. Hence, unless the agent is unaware of even these factors, he will likely be able to meet the standard of rationality that autonomous action requires.)

Now that we have a better sense of what an appeal to the value of autonomy involves, let's return to the proposal that there is something inherently disrespectful about allowing someone to have less than equal political power, even if someone else advances that person's interests as well as or better than he himself could. Since we are interested in the connection between one's share of political power and one's ability to live autonomously, we can ignore for now the complications that arise from someone else advancing your interests for you and focus solely on the proposal that one's having a less than equal share of political power is necessarily morally objectionable because it would violate one's autonomy. I do not find this proposal plausible. I do not see why the fact that Abe has less political power than Bill entails that Abe's autonomy is not being respected. Depending on how we fill out the example, Abe's ability to live by his own lights – understood as being the author of his own life and being responsive to the reasons provided by his situation – might not be limited in any objectionable way by Bill having a larger share of power. Let's fill out the example this way: Abe is the owner of a relatively successful small business (he is safely in the upper middle-class); Bill is the owner of a multi-national corporation and has a net worth of over a billion dollars. The laws of their society do not engage in redistributive taxation for the purpose of equalizing political power, so Bill has more power than Abe because he has more money than Abe. I see no reason to think that Abe's society is not respecting his autonomy. Abe is still able to pursue his projects and

respond to reasons. True, there is no guarantee that he will be successful in all, or any, of his projects.⁷¹ But autonomy does not require that one achieve one's goals; it merely requires that one is able to pursue them. Thus, the fact that Bill has much more political power than Abe does not entail that Abe is being treated as something less than an autonomous agent. If this is right, then an appeal to the value of autonomy cannot explain why respecting someone's equal moral worth requires ensuring that she has an equal share of political power.

Brighouse would likely concede that things could happen that way, but he would also note that they could just as easily go a different way. And it is the latter possibility – the possibility that Abe's autonomy is restricted to a significant degree by Bill's greater share of power – that we must protect against. Insofar as we can control the distribution of political power, we should do whatever we can to make sure that it does not increase the risk of violations of autonomy. We know that an unequal distribution of power is at least a potential threat to autonomy, so we commit to political equality as a prophylactic measure.

The problem with this line of argument, however, is that there is no reason to assume that an equal distribution of political power is the most effective available defense against violations of autonomy. I will argue below that there are cases in which equalizing the distribution of political power would actually lead to violations of autonomy. Since some people have good reasons to not be involved in politics, allowing inequalities in political power could actually lead to greater autonomy for everyone involved. If this is right, then it would be a mistake to insist on an equal distribution of political power as a means of protecting autonomy.

⁷¹ The same is true of Bill as well. The fact that Bill has a lot more power than almost everyone else does not guarantee that he will always get what he wants, or even that he will get what he wants more often than Abe will. That depends on how well or poorly his preferences align with the preferences of the other political agents around him.

But there is another way in which autonomy could factor into the explanation of why moral equality entails a demand for political equality. One could say that Abe's autonomy is restricted – and thus that he is not being treated as a moral equal – because he is (likely to be) oppressed by his lack of power. His relative lack of political power makes him subject to the wills of others to an unacceptable degree. Consider Elizabeth Anderson's (1999) theory of “democratic equality.” The starting point of the theory is that all citizens are persons of equal moral worth. Anderson claims that since we are all moral equals, we ought to abolish oppressive social relationships. We ought to seek a society in which all citizens stand in relations of equality to each other. What is it to stand in relations of equality to others? It means that one is autonomous – i.e., able to live by one's own lights.⁷² So the proposal is that Abe's lack of political power (relative to Bill) restricts Abe's autonomy because it causes him to relate to some of his fellow citizens (namely, Bill) in ways that involve oppression.

I do not find this proposal convincing. There is no (obvious) oppression in Abe's relation to Bill. There need not be any more oppression (domination, exploitation, etc.) between Bill and Abe than there is between two people with the same amount of political power. Could be, but need not be. Remember: even though Abe does not have as much power as Bill, he still has quite a bit – enough, in fact, to make a non-trivial difference in the political process. If Abe wants to put all his available resources into getting a particular candidate elected or a specific ballot initiative approved, he could play a large role in getting those things done. True, Bill could spend even more money on the other side of the issue and thereby make Abe's task very difficult. But, unless there is a direct connection between money and outcomes (i.e., unless the system is so corrupt that you can literally buy any outcome you want), Abe need not submit to Bill's will.

⁷² “Equals are not dominated by others; they do not live at the mercy of others' wills. This means that they govern their lives by their own will, which is freedom” (Anderson 1999, p. 315).

Sometimes Abe will lose, of course, but this does not prevent him from standing in a relation of equality to his fellow citizens (including Bill). Abe certainly seems to meet Anderson's criterion for autonomy. He does not live at the mercy of others' wills any more than a moderately wealthy person in the United States does today, and I doubt that many such people are oppressed by their lack of political power. Thus, even though he does not have an equal share of political power, Abe's autonomy is not limited to an objectionable degree.

The upshot is that, absent an account of why a lack of political power necessarily violates one's autonomy, Brighouse's argument for political egalitarianism is incomplete at best. We still have not found an explanation of why moral equality entails a demand for political equality.

Now, I do not want to place too much emphasis on counter-examples such as the case of Jones and that of Abe and Bill. Talk of equal concern respect is vague, as is talk of being treated as an autonomous agent. Absent some further specification of what we mean by "equal concern and respect" or "living by one's own lights (to a significant degree)," there is no principled way to adjudicate between conflicting intuitions. Thus, in the remainder of the chapter I will focus on an argument for political egalitarianism that spells out these concepts with more precision. This increased precision does not help the political egalitarian's cause, however. I hope to show that, far from being entailed by the demand that we treat people with equal concern and respect, political egalitarianism will often be inconsistent with this demand.

IV.

In our search for a successful argument for political egalitarianism, the work of Thomas Christiano is an obvious place to look. To begin with, Christiano is clearly a political egalitarian:

“No political society can rightly claim to advance the interests of its members without giving them a say in how it is organized. And no political society can justly claim to advance the interests of its citizens equally without giving each citizen an equal say in the shaping of its institutions” (2008, p. 12). Moreover, he agrees with Brighouse that an equal share of political power is owed to everyone simply by virtue of their status as persons of equal moral worth. But Christiano’s argument for this claim is slightly different than Brighouse’s. Christiano begins by presenting the principle of equal advancement of interests as a basic principle of justice, and he then argues that the only way to advance everyone’s interests equally is to give each an equal share of political power.

There are two ways of understanding the relationship between Christiano’s argument and Brighouse’s. The first is to see Christiano’s equal-advancement-of-interests view as an alternative to Brighouse’s equal-concern-and-respect view. The second is to read Christiano as giving a fuller explanation of what equal concern and respect amounts to. I prefer the second interpretation – i.e., reading Christiano’s view as a more complete version of an equal-concern-and-respect view. I prefer this reading because I think it allows us to build the strongest possible case for political egalitarianism. Brighouse’s argument is incomplete because it does not include an account of what it means to treat someone with equal concern and respect. By using Christiano’s account to fill in that gap, we make the overall argument for political egalitarianism more compelling. I still do not find it compelling enough, of course. But before I explain why not, we need to look at the argument itself.

Here is my reconstruction of Christiano’s argument for political egalitarianism:

1. Justice requires that the interests of all persons be advanced equally.⁷³
2. Justice must not only be done, it must be seen to be done. (Call this the *publicity requirement*.)
3. Therefore, justice requires not only that everyone's interests be advanced equally, but that this be done in a way that everyone can see.
4. But there is pervasive disagreement about what people's interests are, and about how to advance them through our political institutions. (In other words, all views about the substantive requirements of justice are controversial.)
5. Given such disagreement, the only principle that everyone could see to be advancing their interests equally – and thus the only one that satisfies the publicity requirement – is the principle that everyone ought to have an equal share of political power.
6. Therefore, justice requires an equal distribution of political power.⁷⁴

⁷³ Christiano assumes that all persons (or at least all adult citizens) have equal stakes in the political decision-making process, that everyone's interests are affected to the same degree by the outcomes of the political process. Christiano puts this in terms of the fact that we "share a common world." He describes a common world as "a set of circumstances among a group of persons in which the fundamental interests of each person are implicated in how that world is structured in a multitude of ways. It is a world in which the fulfillment of all or nearly all of the fundamental interests of each person are connected with the fulfillment of all or nearly all the fundamental interests of every other person." (2008, p. 80). Interestingly, Brighouse and Fleurbaey (2010) seem to miss this point. They present their "proportionality principle" – according to which an agent's share of political power should be proportional to his stakes in the political process – as a competitor to Christiano's equality-based approach. But they are mistaken to do so, since nothing Christiano says is inconsistent with accepting the proportionality principle. Brighouse and Fleurbaey's argument merely reminds us that political egalitarianism is (almost) always limited in its scope. Arguments for an equal distribution of political power are intended to apply only within a given political unit (nation, state, county, city, utility district, etc.), not among all persons.

⁷⁴ In Christiano's own words: "The basic institutions of society are charged with the task of advancing the interests of all members of society equally. A just society advances the interests of all persons in it and it advances the interests of persons equally. This basic principle of justice is the moral foundation of democracy and liberal rights.... No political society can rightly claim to advance the interests of its members without giving them a say in how it is organized. And no political society can justly claim to advance the interests of its citizens equally without giving each citizen an equal say in the shaping of its institutions" (2008, p. 12). And: "[W]e share a common world in which we wish to establish justice and advance the common good. Since we have roughly equal stakes in this common world justice demands that our interests be advanced equally within it, and social justice demands that we realize equality in accordance with a publicly clear measure so that justice may be seen to be done. But we must do this in the context of pervasive disagreement among persons over how to establish justice and the common good and the facts of diversity, cognitive bias, and fallibility of persons. And each has fundamental interests in advancing his or her judgment in this context. When these facts and interests are acknowledged we see that the only way to advance the interests of persons equally in a way that each can plausibly see to be treating him or her as an equal is to give each an equal say (within a limited scope) over how the common world is to be shaped" (ibid., p. 95).

This argument needs some unpacking, but the basic structure is simple: when faced with a collective decision, the most just decision-procedure is one in which the ability to influence it is distributed equally among all affected parties; thus, political equality is a requirement of justice.

At first glance, Christiano's argument is more promising than Brighouse's because it offers a more precise explanation of why anything less than equal political power is unacceptable. Whereas Brighouse merely appeals to the intuition that if our social institutions allow someone to have less power than others this shows a lack of respect for that person, Christiano argues that an unequal share of political power is unjust because it leads to some people's interests being better advanced than others'. Nevertheless, I think Christiano's argument fails for the same reason Brighouse's does; namely, the crucial inference is invalid. The demand that we treat everyone as moral equals does not entail that we must ensure that each has an equal share of political power. Not only is political egalitarianism not entailed by a commitment to respecting the moral equality of everyone involved, the former is often inconsistent with the latter.

Let us now go through Christiano's argument step by step, beginning with the first premise – Justice requires that the interests of all persons be advanced equally. I will not challenge this premise; indeed, assuming we are talking about all and only those people who have not done anything to deserve be treated as less than a moral equal, I accept it.⁷⁵

⁷⁵ For the sake of simplicity, I will treat this premise as a claim about interests in general. But it should be noted that Christiano is talking about a specific subset of interests, which he calls *fundamental political* interests. He identifies four such interests: 1) the interest in correcting for cognitive bias; 2) the interest in being at home in the world; 3) the interest in learning the truth about matters of moral importance; 4) the interest in having one's own equal standing among one's fellow citizens recognized and affirmed. (See Christiano 2008, pp. 64-6.) As far as I can tell, it does not distort Christiano's argument to read it in terms of interests in general rather than fundamental political interests specifically.

Moving on to the second premise, the publicity requirement – Justice must not only be done, it must be seen to be done. I have several worries about the publicity requirement. Rather than jump right into those, however, I want to make sure that we are clear on what a violation of the publicity requirement would look like. In order for a principle of justice to violate the publicity requirement, it must be *impossible* (given reasonable effort and normal intelligence) for at least one person to see that his interests are being advanced equally by that principle. The mere fact that someone is not paying attention to how well or poorly his interests are being advanced is no indication that the publicity requirement is being violated. The requirement is violated only if that person *could not*, if he wanted to, find out that his interests are indeed being advanced equally.

My first worry about the publicity requirement is that it is out of place here. Publicity seems a plausible requirement for laws and judicial rulings, but not for principles of distributive justice. The notion of publicity has a long history in the context of the law, and with good reason. If society is going to take away citizens' liberty and property as punishment for violating certain rules, those rules had better be widely known and reasonably clear; and the process by which we determine whether someone has in fact violated the rules had better be open and honest.

The need for publicity in the context of principles of distributive justice is less obvious. Christiano attempts to justify it as follows:

Social justice requires that individuals be treated as equals. In order for the system of rules, norms, and laws by which justice is established among persons to treat people as equals it must be that they evince an equal respect for the judgment of all of those on whom the rules have a major impact. The system of rules and laws realize that equal respect when they are made in a way they can be seen by all to be treating them as equals. (p. 56)

In other words, non-public principles of justice do not evince equal respect for the judgment of all persons.

But I remain unconvinced of the need for a publicity requirement in this context, since I can imagine situations in which non-public principles of justice do not evince a lack of respect for anyone's judgment. Consider a case of secretive repayment. Suppose that one person (Debtor) borrows money from another (Creditor). Debtor promises to pay back the money to Creditor by a specified date. When that date arrives, Creditor asks where her money is. Debtor then informs Creditor that he has already repaid her. And, in fact, he has: Debtor secretly deposited the money in Creditor's bank account the day before.⁷⁶ Assuming that Debtor was aware that Creditor would not be able to verify that she had received the money from him, Christiano must say that Debtor's action is defective with respect to justice; because Debtor knew that Creditor would not be able to see that justice was done (that she got what she was owed), Debtor's action evinces a lack of respect for Creditor. I do not see why we should agree with Christiano on this point, however. The fact that Debtor knows that Creditor is not able, even in principle, to see that he has paid her back does not necessarily tell us anything about Debtor's attitude towards Creditor or Creditor's judgment. It could, but it need not. Whether it does depends on Debtor's reason for acting as he did. If his reason for paying the money back secretly were to deceive Creditor in some way, then perhaps his action would be defective with regards to justice.⁷⁷ If, on the other hand, Debtor's reason for paying back the money in the way he did was to make sure that he didn't forget to pay it back, his action would not be defective

⁷⁶ I take this example from Christiano (2008, pp. 49-50).

⁷⁷ To make it clearly defective with regards to justice, we probably need to fill in the example a bit more. Suppose Debtor mistakenly believed that he owed \$20. He really owed \$15. He pays back \$15 in secret, knowing Creditor will be unable to find this out. Debtor's action would then be deficient in justice, even though he paid back the amount of money he owed, because his intention was to benefit himself unfairly.

with regards to justice.⁷⁸ The upshot is that a lack of publicity does not entail a lack of respect for anyone. So Christiano's argument for the publicity requirement is blocked.

Absent some other justification of the publicity requirement, I think that we should reject it and, by extension, Christiano's argument for political egalitarianism as well. Not everyone will share my skepticism about the publicity requirement, of course. But that does not trouble me, because we will shortly see that Christiano's argument faces more serious problems.

Before we get to those problems, one more point about the publicity requirement: even if we should have some such requirement, I do not think that Christiano's "weak" version is viable. There is a tension between Christiano's justification of the publicity requirement (which appeals to the major impact that a system of rules, norms, and laws has on everyone who lives under it) on the one hand and his reliance on a weak publicity requirement (which requires only *in principle* acceptance) on the other. Recall Christiano's "weak" publicity requirement: everyone must be able – in principle, given a reasonable effort – to see that they are being treated justly.⁷⁹ A "strong" publicity requirement would require that people actually see that justice is being done – i.e., that they actually see that they are being treated justly. Why require only in principle acceptance rather than actual acceptance? Presumably because actual acceptance will be

⁷⁸ Suppose that Debtor is forgetful and he knows this about himself. He also knows that he has the ability to directly deposit money into Creditor's bank account. So the first time Debtor has \$15 available and remembers that he owes that amount to Creditor, he deposits it into the creditor's bank account. There's no intention to deceive Creditor or to get more than his fair share.

⁷⁹ "The weak notion of publicity demands that the principles of social justice be ones that people can in principle see to be in effect or not. The notion of 'in principle possibility' here is to be specified relative to facts about the limitations on human cognitive abilities. To be sure, publicity does not require that each person actually see that he or she is being treated justly. It requires only that each person can see that he or she is being treated justly once the basic facts about our cognitive limitations are taken into account and given a reasonable informed effort on his part. So a principle that requires that we go beyond our ordinary cognitive limitations to determine whether it has been realized or not is not a public principle of justice. But a principle that a person can, given normal cognitive faculties, see to be realized if he makes a reasonable effort is a public principle even if the person does not in fact see it to be realized on account of not having made a reasonable effort or on account of ignoring the basic facts of cognitive limitation" (Christiano 2008, pp. 47-8).

unattainable in practice: there will always be some (perhaps unreasonable) objections to any principle of justice. And as long as there are actual objections to any putative principle, then, on a strong publicity requirement, there would be no valid principles of social justice. That would be, no doubt, a counter-intuitive implication of adopting a strong publicity requirement. But, if we follow Christiano's justification for the publicity requirement, this may not be sufficient reason to adopt a weak publicity requirement instead. If we justify the publicity requirement by appealing to the demand that we show equal respect to everyone on whom our system of rules has a major impact, then how can it not apply to everyone in our society (whether they are reasonable or not)? Christiano argues that acting on non-public principles of social justice is incompatible with treating all those who live under them with equal respect; he says that it evinces a lack of respect to tell someone that, even though she cannot see it, she is actually being treated in a just way. Does the same go for people who are unreasonable, uninformed, or both? Suppose someone objects to a principle for some crazy reason. Should we simply ignore this person, or must we allow her to exercise veto power over the principles of justice? Presumably, Christiano would opt for the former. But, if we believe that every person (whether reasonable or not) is of equal moral worth, it is unclear how we could be justified in excluding the

unreasonable from the set of people whose acceptance a principle of justice must secure.⁸⁰ After all, our system of rules, norms, and laws has as much impact on their lives as it does on everyone else's. In short, Christiano faces the following dilemma: 1) give up the publicity requirement (thereby undermining his entire argument for political egalitarianism) or 2) accept a strong publicity requirement (thereby facing the prospect that no principles will meet this requirement, which would entail that there are no valid principles of justice, which would also undermine his case for political egalitarianism).

Back to Christiano's argument for political egalitarianism. Steps 3 and 4 are unproblematic. Step 3 – the conclusion that justice requires not only that everyone's interests be advanced equally, but that this be done in a way that everyone can see – follows from the first two premises. And step 4 – the observation that there is pervasive disagreement about what people's interests are, and about how to advance them through our political institutions – is certainly true.

⁸⁰ There is a further problem with excluding the unreasonable. How do we know who to exclude? As Joseph Raz points out, the fact that a person holds a particular belief or rejects a particular principle, is not, in the absence of other evidence, proof that he is unreasonable: "Beliefs are usually judged unreasonable if they are, in relation to the evidence available to the experts, patently false. That means that experts do not usually disagree about these beliefs. For the experts, the holding of such beliefs falls beyond the margin of common error. At times not the experts but some other group will be the implied reference group for such judgements. But all judgements of the reasonableness of a certain view abstract it from any particular believer. It follows that perfectly reasonable people can have unreasonable beliefs. Creationist science is committed to many unreasonable beliefs, but if you were taught creationist science at school and at home and came across no other science, then your reasonableness may be more in doubt if you reject creationist science than if you believe it" (1998, pp. 34-5). The difficulty of identifying the unreasonable leads Raz to wonder whether the reasonableness condition has any real-world implications: "[O]ne cannot take the rejection of any proposition as in itself strong evidence that the agent is unreasonable (in the sense in which this is a cognitive vice). The implication of this is that the exclusion [of unreasonable people] has no political teeth.... Rejecting a belief would testify to the unreasonableness of the rejectors only if it is one which no rational agents, whatever their beliefs, could rationally reject, or if given the rejectors' other beliefs and their situation, they could not rationally reject. I will disregard the first half of this test, on the ground (or in the hope) that there are no propositions with direct political implications which are current in contemporary societies which meet this test.... There is no proposition which has currency in Western societies and which some people in them could not reasonably accept" (ibid., pp. 36-7).

Where Christiano runs into serious trouble is step 5, which says that the only principle everyone could see to be advancing their interests equally is the principle that everyone ought to have an equal share of political power. There are two distinct claims here, and I think we should reject both of them. The first is that everyone could see that an equal distribution of political power would lead to their interests being advanced equally. The second claim is that a principle calling for the equal distribution of power is unique in this regard; i.e., that it is the only one that everyone could see as advancing their interests equally.

What is wrong with the first of these claims? There is no reason to think that everyone could see the justice of a principle that calls for an equal distribution of political power. Even if many people could accept such a principle, it is highly doubtful that *everyone* could. Christiano says that anyone who recognizes that they share certain fundamental interests⁸¹ and that certain “facts of judgment”⁸² are unavoidable would accept the principle.⁸³ But why think that everyone could recognize these interests and facts? Surely people will disagree on what belongs on the list of fundamental political interests. (Some will think that Christiano’s list is too long, others that it is too short, and others that it simply contains the wrong items.) And there is a further source of disagreement that Christiano does not consider: some people reject the idea that everyone’s

⁸¹ Namely, the interest in correcting for cognitive bias, the interest in being at home in the world, the interest in learning the truth about matters of moral importance, and the interest in having one’s own equal standing among one’s fellow citizens recognized and affirmed. (Christiano 2008, pp. 88-96)

⁸² There are four such facts: people differ in their capacities for well-being, each person’s moral judgment is fallible, there is pervasive disagreement on just about everything, and we are all cognitively biased in favor of our own interests and the interests of those we care about. (Christiano 2008, pp. 56-60)

⁸³ “[W]e must [establish justice] in the context of pervasive disagreement among persons over how to establish justice and the common good and the facts of diversity, cognitive bias, and fallibility of persons. And each has fundamental interests in advancing his or her judgment in this context. When these facts and interests are acknowledged we see that the only way to advance the interests of persons equally in a way that each can plausibly see to be treating him or her as an equal is to give each an equal say (within a limited scope) over how the common world is to be shaped” (Christiano 2008, p. 95).

interests ought to be advanced equally. Perhaps all contemporary political philosophers accept this, but that is hardly a representative sample of the population. Suppose someone holds that people's interests should be advanced in proportion to how closely they adhere to God's law. Could this person see the justice of a principle that gives equal weight to everyone's interests? Not unless he gave up some of his most basic beliefs. And we cannot simply dismiss him as unreasonable; depending on the evidence he has been exposed to, his beliefs may be perfectly reasonable. The upshot is that some people, even some reasonable people, may not be able to see the justice of a principle that calls for an equal distribution of political power. Thus, the fifth premise of Christiano's argument is false, making the argument unsound.

But maybe I'm wrong about this. Maybe everyone could (eventually) come to see that distributing the ability to influence political outcomes equally is a just way of responding to the fact that people disagree about what those outcomes should be. That is still not enough to save Christiano's argument for political egalitarianism. Recall the second claim contained in Christiano's fifth premise – the claim that a principle calling for the equal distribution of political power is the *only* one that everyone could see as advancing their interests equally. Christiano's argument for this claim runs as follows. He begins by noting that substantive principles of justice are always controversial. Hence, appealing to any substantive principle of justice – i.e., a principle about outcomes rather than procedures – would violate the requirement that everyone's interests be advanced equally and in a way that everyone can accept.⁸⁴ Regarding any substantive principle of justice, someone will be able to object that it would not advance his

⁸⁴ “The standard by which we evaluate this situation from a public standpoint cannot go beyond the idea of an equal say, because any particular outcome standard is controversial. So the democratic process, by virtue of the fact that it gives each equal abilities to shape the common world in which they live and thereby equal abilities to advance their interests, is the only publicly clear and acceptable realization of equal advancement of interests in the light of the facts and interests in judgment” (Christiano 2008, p. 96).

interests equally. If we ignore this person's objections and act on the principle anyway, then we will necessarily violate the fundamental principle of justice – the principle that everyone's interests ought to be advanced equally. Why? Because acting on a principle that someone does not see as a just principle (a principle that he does not think advances his interests equally) displays a lack of respect for the judgment of that person. And this lack of respect for a person's judgment frustrates one of the fundamental interests we all have – namely, the interest in correcting for cognitive bias.⁸⁵ Therefore, concludes Christiano, the only way to advance everyone's interests equally is to give everyone equal ability to advance his or her own interests in the political arena – i.e., to give everyone an equal share of political power.

This sounds plausible enough, until we look more closely at the move from someone lacking an equal share of political power to that person's interests not being advanced equally. Unlike Christiano, I do not think that the former entails the latter. I believe there are cases in which the fact that someone has a less-than-equal share of power does not set back her interests in any way. If there are such cases, then Christiano's argument for an equal distribution of power uniquely satisfying the equal-advancement-of-interests requirement does not go through. I will now try to show that there are such cases.

Consider Art, a virtuoso violinist. Art has never cared much about politics; he has put all his time and energy into playing music. Art's political skills never developed, and he is largely

⁸⁵ "Given that each person's judgment has cognitive biases toward her own interests built into the judgments and given the diversity of persons, each person can see that any attempt to impose a particular view of justice unilaterally in law and policy by a group of persons is likely to fail to take into account and properly reflect the interests of those who are imposed upon. Her interests are likely to be neglected because they are ill understood and because they are likely not to be given due weight by others who do not share those interests. And the principles by which her interests are accommodated to the others' interests are likely to fail fully to find the proper place for those interests. As a consequence, a decision procedure that accorded no weight to a person's judgment or significantly less weight to that judgment than to those of others, and more worryingly to the judgments of all the members of whole groups of persons, can be expected, given the normal functioning of human cognitive systems, to give short shrift to the interests of those persons" (ibid., p. 89).

ignorant of basic political issues and historical facts: he cannot follow the on-going public debates, he does not know how to direct his money and energy effectively during campaigns, and so on. As a result, Art has less political power than most of his neighbors: he has very little ability to influence his society's collective decisions. Suppose we allow him to keep living his life as he always has. By allowing him to remain (relatively) powerless, are we thereby ensuring that his interests will not be advanced to the same degree as the interests of his more politically active neighbors? Christiano would say that we are. But this overlooks the possibility that allowing Art to have a less-than-equal share of political power could actually lead to his interests being advanced just as well as, if not better than, they would be if he had an equal share of power. How is this possible? Art is neither willing nor able to advance his own interests by means of the political process. Equalizing Art's political power would make it more difficult for him to achieve the valuable goal that he has chosen – becoming the best violinist he can be. Assuming that we either cannot or should not “level down” everyone else in Art's community, the only way to equalize Art's political power would be to get him to care more about politics and to develop some political skills. The only way for him to do those things, however, would be to pay less attention to music and neglect (at least for a while) his musical skills. And this would frustrate (to some degree) one of Art's fundamental interests – namely, the interest in living autonomously.⁸⁶ Thus, not only does Art's lack of political power not lead to the frustration of his interests, it leads to the greater advancement of his interests.

⁸⁶ The interest in living autonomously is my gloss on what Christiano calls the “interest in being at home in the world”: “Being at home in the world one lives in implies that one can appreciate that world and enjoy its many valuable qualities. Being at home in the world one lives in is one of the socially necessary conditions for one to have well-being. For it is the condition in which one has a sense of fit, connection, and meaning in the world one lives in and its is therefore the condition in which one can experience the value of the things around one. It gives one an orientation among the things in one's world that enables one to appreciate them” (Christiano 2008, pp. 61-2).

Now, Christiano would likely deny that this presents a problem for his view. After all, he calls for everyone to have equal ability to influence political decisions, not for straight equality of influence. If someone is simply not interested in politics, this will affect how much actual influence that person has on the political process, but not how much *ability* he has to influence it. So, the reply goes, a case like Art's does not threaten political egalitarianism: Art's lack of influence is traceable to his lack of interest in politics, and that is consistent with the ideal of equal *ability* to influence.⁸⁷

It is true that Art could, if he put more time and effort into politics, become more politically influential. But does this mean that he is, at present, equally able to influence political outcomes? That depends on how we understand ability; specifically, the relationship between skills and ability. How do we have to understand this relationship in order to say that Art is indeed equally able to influence political outcomes, despite his lack of skills? We would have to say that having the ability to develop an ability is the same thing as having the ability already. Suppose that the only thing required for having ability T is having skills X, Y, and Z. We would have to say that someone has ability T so long as he has the ability to develop skills X, Y, and Z, even if he does not have those skills at present. To bring this back to Art, in order to say that he is equally able to influence political outcomes, despite his lack of skills, we would have to say

⁸⁷ Recall that political egalitarians want choice to play a role in the distribution of political power:

[P]olitical equality demands equal *opportunity* for effective political influence rather than equality of effective influence itself. Inequalities of effective influence are sometimes acceptable, on any reasonable view of political equality. Some citizens may be more influential because, for example, they care more about politics. Differences of influence that trace to such differences in values and choices seem unobjectionable. Similarly, if a person is more influential because her views are widely shared, or her judgment widely trusted, and other are therefore likely to be swayed by her position on the issue at hand: the differences of influence trace to the distribution of political values and commitments in the population, not to the organization of the structure of collective choice. The requirement of equal opportunity for effective influence condemns certain kinds of effective exclusion or dilution, but it does not support charges of objectionable exclusion or dilution merely because I am unwilling to make reasonable efforts to persuade others, or because others regard my views as ridiculous, or because they lack confidence in my judgment. (J. Cohen 2009, p. 273)

that Art has the same ability to influence political outcomes as people who are more skilled than he is because he has the ability to increase his skills if he chose to. And this seems right. There is a sense in which Art is equally able to influence political outcomes, despite his current lack of skills: assuming that Art does not have any cognitive or physical disabilities, he could pretty quickly bring his political skills up to the level of most everyone else's. All other things being equal, he would then be equally able to influence political outcomes – i.e., have an equal share of political power.

If this is the correct account of the relationship between skills and ability – i.e., equal ability does not require equal skills but merely the ability to develop equal skills – then Art's case is not a counter-example to Christiano's argument.⁸⁸ Art does not have a less-than-equal share of political power. Hence, we do not need to intervene in order to increase his share of political power. Hence, there is no threat to Art's interest in living autonomously.

There are more problematic cases for Christiano, however. The most problematic cases involve inequalities in power that derive from aspects of people's personalities that they either cannot or would not change; for example, their physical appearance⁸⁹ and abilities, their cognitive abilities, and their relationships with friends and family. In such cases, the type and

⁸⁸ What account of the relationship between skills and ability would we have to adopt if we wanted to avoid this conclusion? An account according to which having an ability at present requires the agent to have certain skills at present. On such an account, Art's present lack of skills would entail that he does not have the same abilities as his more skilled neighbors. Even if he were to become equally willing to participate now or in the future, Art would not have an equal share of political power. But this account has some counter-intuitive implications. Consider my ability to speak Chinese, for example. I do not, at present, know a single word of Chinese. With adequate instruction, I could eventually come to speak the language fluently. Nevertheless, I think it would be misleading to say that I currently have the ability to speak Chinese. If this is right, then cases such as Art's – i.e., cases in which an agent's lack of power is traceable to a lack of skills that the agent could develop if he wanted to – are not a threat to Christiano's argument for political egalitarianism.

⁸⁹ Empirical studies consistently show that physical appearance plays a role in our evaluation of politicians. Rosenberg et al. 1986; Ballew and Todorov 2007.

amount of intervention necessary to equalize the political power of everyone involved would frustrate some people's interests in living autonomously.

To begin to see just how intrusive some of the measures needed to equalize political power would be, consider a case in which the only way to increase an agent's political power would be to change his personality drastically. Consider Roger, a social recluse. Just the thought of being politically active terrifies him. Like Art, Roger does not participate in the political decision-making process. Unlike Art, however, Roger is not merely indifferent to politics or disinclined to participate in politics; he lacks the ability to be as involved in politics as most people are. Roger is not able to talk to his neighbors about political issues, for example, or even to go to the polls on election day. In short, Roger does not have an equal share of power because he is less able than others to participate in, much less influence, the political decision-making process of his community. The only way to equalize Roger's share of political power would be to change Roger – not only his preferences but his abilities as well – in a way that makes political participation a real option for him. And it is hard to see how society could do this without significantly restricting Roger's autonomy. There are many ways to increase political participation: give tax breaks to people who vote regularly, start an ad campaign encouraging people to do their civic duty, organize voter-registration events, etc. But, given Roger's lack of social abilities, such things would likely have no effect on him. What then? To me, the obvious answer is to say that Roger ought not to have an equal share of political power. We should allow him to have less power than his neighbors. Christiano cannot say this, however; he must say that there is something unjust about Roger's relative lack of political power. But in order to increase Roger's share of political power, we would have to get him more involved in politics; in order to get him more involved in politics, we would first have to get him able to participate in

politics; and in order to get him more able to participate in politics, we would have to change his personality in a fundamental way. This raises several questions.

First of all, to what extent can someone's personality be altered? Surely both the person himself and his society have some control over his personality. So, it is possible to make Roger more involved in politics, up to a point. (Where that point is located is an empirical question which we cannot go into here.) The next question is to what extent does the attempt to change someone's personality restrict his autonomy? How far can we go toward changing someone's personality without restricting his ability to be author of his own life? Some of the ways we could change someone's personality are perfectly compatible with respecting that person's autonomy – rationally persuading him, say, or giving him incentives. When do such efforts begin to restrict an individual's autonomy to a troubling degree? I suggest it is the point at which we begin to restrict the individual's ability to engage in valuable projects. Suppose Roger is an inventor who spends day after day in his garage developing prototypes of all sorts, or a writer who works tirelessly on his novels. Equalizing Roger's share of political power would come at the cost of making it more difficult for him to do these things. How so? He would have to take time away from his work in order to undergo a personal transformation and a political education: to develop new habits of thought and action; to learn how government and social institutions interact; and so on. Roger could not do all these things – at least not to the degree necessary to equalize, rather than merely increase somewhat, his share of political power – without neglecting his other projects. And, on the view of autonomy I sketched above, this is a clear restriction of Roger's autonomy. On that view, a person is autonomous insofar as he is able to choose rationally between valuable options. Some of the valuable options Roger would have been able to choose from – e.g., spending the weekend testing his latest prototype – would be closed off to

him by the measures he must take to equalize his political power – e.g., undergoing therapy for his social anxiety disorder. Roger's interest in living autonomously would be frustrated. In this case, therefore, the demand that everyone have an equal share of political power pulls in the opposite direction of the demand that everyone's interests be advanced equally.

Now consider Tom. Tom has too much power (read: significantly more than his neighbors) due to his tremendous ability to persuade people to see things his way. How should we go about reducing Tom's share of power so that he has no more (and no less) than his neighbors? It might appear that we could give all of his neighbors money to compensate them for their lack of rhetorical skills. But that would get very expensive very quickly, and it still might not be enough. (Tom could easily persuade his neighbors to give him all of this money.) We could limit the number of words anyone is allowed to speak in public. We could limit the topics that people could speak about publicly. (Anything political is off limits, perhaps.) The point is this: any of these measures would have the effect of restricting Tom's autonomy, as well as that of other people. We would be limiting the number and type of valuable options available. There is at least one thing that someone like Tom cannot do under a regime of political equality that he would have been able to do otherwise; namely, do everything he can to influence the collective decision-making process of his community. Moreover, by limiting Tom's ability to make his views known, we are limiting the ability of his neighbors to be informed by his arguments, which restricts their autonomy by leaving them unaware of some options they may have chosen if they had been aware of them. Thus, once again, an equal distribution of power would lead to the unequal advancement of interests.

Here's the upshot: Because it cannot allow someone like Roger to have less power than most and someone like Tom to have more power than most, political egalitarianism cannot avoid

calling for some restrictions on autonomy. This is a potentially fatal flaw in the political egalitarian's position. Beyond a certain point, limiting people's autonomy is inconsistent with treating them as persons of equal moral worth. And since we are considering arguments for political egalitarianism that ground the demand for political equality in the demand that we treat everyone as persons of equal moral worth, the possibility of internal inconsistency is real. If political egalitarianism required us to treat people in ways that are inconsistent with treating them as persons of equal moral worth, the arguments for political egalitarianism we are concerned with in this chapter would collapse in on themselves. You cannot violate someone's moral equality as a means of respecting his moral equality.

Now, I do not want to overstate the worry about autonomy. To begin with, as we have already seen, it is possible to equalize someone's share of political power without threatening his autonomy. For instance, the state could offer rhetoric classes to increase the skills, and thereby the power, of those who are not eloquent public speakers. No one is forced to go, and the classes are free and offered several times a week; this could only increase people's autonomy (by giving them more options than they previously had). Another way to increase someone's political participation, and thereby her power, without limiting her autonomy is a compulsory voting system. If you don't vote, you pay a tax penalty.⁹⁰ Incentivizing political participation in this way would likely bring us closer to the ideal of political equality, and no one's interest in living autonomously would be frustrated. There is also the possibility of compensating people whose autonomy is restricted. One form this could take is to give those with less ability to influence the political process at one stage (e.g., the agenda-setting stage) more ability to influence it at

⁹⁰ The most well-known such system is probably that of Australia. Note well: I assume that not all taxation limits autonomy. Some anarchists and libertarians deny this. And, although making voting compulsory would increase turnout, I'm not sure how far it would go toward equalizing political power, since the ability of a single vote to influence an election is vanishingly small.

another stage (e.g., the decision-making stage). Come election time, for example, we could weigh a person's vote in inverse proportion to that person's wealth. The less wealthy you are, the more your vote counts toward determining the outcome.⁹¹

More fundamentally, the fact that it endorses some restrictions on autonomy is not a *reductio* of political egalitarianism. Achieving any distributive ideal is going to require us to restrict someone's autonomy to some degree.⁹² As soon as we get into the business of increasing and/or decreasing people's shares of political power, we are going to start interfering with their ability to live by their own lights. So the question is not "Does this ideal call for restrictions on autonomy?" but rather "How many, and how significant, are the restrictions on autonomy that this ideal calls for?" In subsequent chapters, I will attempt to show that the restrictions on autonomy endorsed by a non-egalitarian approach will be fewer in number and lesser in degree than those endorsed by egalitarianism. This is a key part of my argument for political sufficientarianism. (According to political sufficientarianism, what matters is that each person have enough political power, regardless whether some have more than others.) Sufficientarianism will endorse some restrictions on autonomy. But, because it does not aim at maintaining a specific distribution of power – namely, an *equal* distribution – sufficientarianism must endorse fewer of these than egalitarianism. The egalitarian seeks to eliminate all deviations from equality. The sufficientarian seeks to eliminate only those deviations from equality that involve someone falling below the threshold of sufficiency.

⁹¹ It is not clear how far a compensation scheme can take us toward lessening the potential conflict between political egalitarianism and individual autonomy. One limitation of this particular proposal is that agenda-setting and lobbying between elections are, in many ways, more important than voting. If all the options on the ballot are odious to me, the fact that my vote is given extra weight does not make me feel much (if any) better.

⁹² Recall that autonomy is a matter of degree. A person can have his autonomy restricted and still be autonomous. No one is perfectly autonomous. (Raz 1986, pp. 154-7)

Where does this leave us in regards to Christiano's argument for political egalitarianism? Christiano argues that treating everyone as moral equals demands that we advance everyone's interests equally, and that the only way to advance everyone's interests equally is to ensure that everyone has an equal share of political power. I have tried to show that this argument fails because it is possible to advance everyone's interests equally without an equal distribution of political power. Indeed, achieving (or maintaining) an equal distribution of political power can actually prevent us from advancing everyone's interests equally. This is because pursuing the ideal of political equality would require us to restrict some people's autonomy in various ways. Assuming (with Christiano) that everyone has an interest in being autonomous, therefore, the demand that we treat all citizens as moral equals does not entail political egalitarianism.

V.

All I have done in this chapter is show that the moral-equality-based argument for political egalitarianism is incomplete at best. This does not prove that all such arguments fail, much less that political egalitarianism is false. My ultimate aim is to show that we ought to adopt a non-egalitarian distributive ideal for political power, but I do not deny that sometimes political power should be distributed equally. This is where the arguments of Brighouse and Christiano are instructive. Even if the arguments fail to establish political equality as a moral ideal in general, they help us to see what ourselves and our society would have to be like for the arguments to succeed. I will conclude this chapter by briefly sketching the circumstances in which political equality would indeed be a requirement of treating people as moral equals.

For the demand that we treat everyone as moral equals to entail a demand that we ensure that each has an equal share of political power, all of the following conditions would have to be in place. First, each person has an equal stake in the political process – i.e., each is affected to the same degree by the outcomes of the process. Second, everyone’s willingness to participate in the political arena is equal. Third, everyone is equally skilled at influencing political outcomes by non-rational⁹³ means – e.g., rhetoric and deal-making. Fourth, everyone agrees that political power is a morally significant good, that it matters morally how political power is distributed. If all these conditions were in place, then none of my objections to Brighouse and Christiano could get any traction. In a society where the above four conditions held, the best way to express equal concern and respect (or advance everyone’s interests equally) would be to ensure that everyone has an equal share of political power.

No doubt, there are many cases in which someone’s lack of political power is the result of her society not expressing adequate respect toward her. But there are also cases in which this is not so. On this point, I agree with David Estlund:

[U]nequal political institutions often do express disdain, or condescension. But this is a contingent matter. Inequality does not express disrespect unless it is owed to disrespect. When it is, that is a moral failing of the particular societies involved, not a defect of unequal political influence itself. Unequal influence can, in principle, exist entirely for other reasons. (2000, p. 138).⁹⁴

Indeed, my suspicion is that most people aren’t as concerned with the political decision-making process as political egalitarians take us all to be. Far from feeling disrespected by a lack of political power, a lot of people would gladly give up some power if it meant that they would have a little more time and energy to devote to things they truly care about. There are limits, of

⁹³ This qualifier is important. Political egalitarians do not object to inequalities of power that result from people’s unequal abilities to offer and understand rational arguments.

⁹⁴ Daniel Ortiz (1998, pp. 901-5) makes the same point.

course. The point at which their lack of power began to interfere with their ability to pursue their non-political activities is the point at which most people would begin to clamor for more power.

But arguments from moral equality are not the only possible arguments for political egalitarianism. Many political egalitarians attempt to ground their view in the requirements of political legitimacy. In the next chapter, I will consider a family of arguments to the effect that one of the necessary conditions of legitimacy is an equal distribution of political power.

Chapter 3: Arguments from Legitimacy

Perhaps the case for political egalitarianism is more complicated than the arguments in the previous chapter suggest. Those arguments tried to ground the case for political egalitarianism in the demands of moral equality alone. But even if those arguments fail, we may still have good reason to pursue political equality. After all, we care about many things besides treating people as moral equals, things like building a sense of solidarity within the community, finding the right answers to political questions, and so on. The distribution of political power affects how well we are able to accomplish each of these goals. If we consider all of these things, then, perhaps we will find that an equal distribution of power is indeed a moral ideal.

According to the below arguments for political egalitarianism, an equal distribution of political power is a necessary condition of legitimacy: a political institution is legitimate if it promotes the relevant value(s) to a sufficient degree, and the only way to promote the value(s) to a sufficient degree is to distribute political power equally. I question both steps of these arguments. While I accept the importance of autonomy, accuracy, fairness, etc., I have problems with some of the theories of legitimacy that appeal to these values. And I think that an equal distribution of political power is rarely (if ever) the only means of promoting one or more of these values.

A note about the concept of legitimacy. We usually restrict talk of legitimacy to political institutions such as governments and constitutions. It is odd to say that an individual law or the distribution of some resource is (il)legitimate. (Although in the case of a distribution that strikes us as seriously repugnant, we might start to question the legitimacy of any government that would allow it to persist.) The arguments for political egalitarianism in this chapter should be

read as making the case that an institution cannot be legitimate unless everyone had equal power over its composition, formation, and/or continuation. What does it mean to say that an institution is legitimate? In general terms, an institution has political legitimacy if it is morally justified in enforcing its commands.⁹⁵ Different theories of legitimacy have different standards of moral justification. They disagree about which (combinations of) values are relevant to determining whether a political institution is morally justified in enforcing its commands. One could say, for example, that an institution has legitimacy if and only if it fosters a sense of fraternity and shared responsibility among the people living under it. On another view, legitimacy could be conditional on maximizing the liberty of individual citizens. On yet other views, the source of legitimacy could be the ability to get the right answers to political questions. And, of course, legitimacy could depend on some combination of these and other values. In order to find out whether a good case for political egalitarianism can be based in the demands of legitimacy, therefore, we will look at several justifications of political equality, each employing a different theory of legitimacy.

Here is the plan for the rest of the chapter. I begin by looking at arguments for political egalitarianism that take contractualist theories of legitimacy as their starting point. I argue (1) that contractualist theories of legitimacy are not plausible and (2) that even if they were, they would not provide a solid foundation for political egalitarianism, since some unequal

⁹⁵ When we talk about justification in this context, we must keep in mind that justification and persuasion are distinct. As Nagel says, “‘Justification’ does not mean ‘persuasion’. It is a normative concept: arguments that justify may fail to persuade, if addressed to an unreasonable audience; and arguments that persuade may fail to justify” (1987, p. 218). We should also not confuse stability with legitimacy. The fact that a government is legitimate does not entail that it is stable. Even if the government is morally justified in enforcing its commands, there may very well be some irreconcilables who seek to overthrow it. (Think of the pockets of resistance in the South that refused to accept the legitimacy of the United States government after the Civil War.) Similarly, an illegitimate government may be quite stable; because the population falsely believes that the government is legitimate, opposition forces are just too weak to overthrow it, etc.

distributions of power could meet the contractualist standard of legitimacy. I then consider arguments based on best-results theories of legitimacy. I find such theories of legitimacy plausible, but I doubt that an equal distribution of political power is the way to achieve the best results. I then consider David Estlund's (2008) argument for political egalitarianism, which is based on a contractualist/best-results hybrid view of legitimacy. I argue that Estlund puts too much weight on the contractualist elements of his account and not enough on the best-results elements. Finally, I consider arguments for political egalitarianism that are based on theories of deliberative democracy. I do not find deliberative democratic views of legitimacy compelling, nor do I think that an equal distribution of political power is necessary in order to secure the goods that deliberative democrats claim legitimacy requires.

I.

Let us begin with a contractualist account of legitimacy, according to which an institution is legitimate if and only if everyone living under it agrees (or could agree) that it should be in place.⁹⁶ Contractualists recognize that actual agreement is elusive, so most of them opt for hypothetical agreement instead: an institution is legitimate if and only if it *could be* the object of unanimous agreement.⁹⁷ How can we determine whether everyone could agree to a particular

⁹⁶ For statements of the contractualist view, see Rawls (1971) and Scanlon (1998). Nagel summarizes the view this way: "The pure ideal of political legitimacy is that the use of state power should be capable of being *authorized* by each citizen—not in direct detail but through acceptance of the principles, institutions, and procedures which determine how that power will be used. This requires the possibility of unanimous agreement at some sufficiently high level, for if there are citizens who can legitimately object to the way state power is used against them or in their name, the state is not legitimate" (1991, p. 8).

⁹⁷ I do not here add the qualifier 'reasonable' to the term 'agreement'. Why do I not follow most contractualists and restrict my focus to *reasonable* agreement? Because, as will become clear below, I think the reasonableness restriction is problematic and thus deserving of a separate discussion.

institution? By looking at whether the institution gives everyone's interests sufficient weight and whether the demands it places on anyone are excessive.⁹⁸ So the contractualist criterion of legitimacy comes to this: an institution is legitimate if and only if each person living under it could see that his interests are being accorded equal weight and that the demands made on him are in line with those it places on everyone else.

Before moving on to the arguments for political egalitarianism, I would like to point out an implicit assumption in the contractualist's view of legitimacy. The contractualist assumes that everyone could agree to all and only those institutions that give (roughly) equal weight to everyone's interests. This is not obviously true. All contemporary political philosophers might accept this assumption, but why think that everyone else would? The sorts of institution that everyone could agree to depends on, among other things, the interests and beliefs of the people involved. And these are not uniform. Suppose someone believed, with Plato, that some human beings are more valuable than others. Could this person agree to institutions that give equal weight to everyone's interests? Probably not. He would likely insist that institutions should weigh a person's interests in proportion to that person's value. What this shows is that any argument which presupposes, as the contractualist arguments for political egalitarianism do, that all people are of equal value would not impress our imagined non-egalitarian. The contractualist arguments could not get off the ground for him, since implicit in this view of legitimacy is a claim that he rejects – namely, that everyone's interests are equally important.

Although this is a potentially serious worry, at least for the version of contractualism I have sketched above, I will not make too much of it. Even if the below argument for political

⁹⁸ This is Nagel's interpretation at least (1991, pp. 33-40).

egalitarianism does not hold always and everywhere (it only holds in modern, liberal societies, say), that would still be a significant result.

Turning now to an argument for political egalitarianism that relies on the contractualist view of legitimacy, it goes like this:

1. An institution is legitimate if and only if everyone living under it could agree that it should be in place.
2. The only institution that everyone could agree should be in place is one under which everyone is equally able to influence political outcomes – i.e., one in which everyone has an equal share of political power.
3. Therefore, a political institution is legitimate if and only if everyone living under it has an equal share of political power.⁹⁹

I am doubly unimpressed by this argument. Not only do I doubt that an equal distribution is the only distribution of power that everyone could agree to, I also doubt that the contractualist approach to legitimacy is tenable. Let us look at these doubts in turn.

There may be some circumstances in which an equal distribution of power is the only possible object of unanimous agreement. (These would probably be similar to those sketched at the end of the previous chapter – everyone is equally involved in politics, equally skilled, etc.) But I think these circumstances are quite rare. In most cases, it is possible to achieve unanimous agreement even though some have more power than others.

⁹⁹ David Estlund offers one such argument, cast in terms of the legitimacy of decisions rather than institutions: “Disputes over such things as distributive justice are deep and pervasive. Whatever the correct resolution of those disputes may be, we hope that a political decision about distributive justice can be legitimate, even if not just, on the basis of certain features of the political procedure, and not simply on the basis of whether the decision is morally correct, since the latter issue will be too deeply contested. But now imagine a process in which those who have more money than others have more influence over the process. Such a process can easily seem unfair, depleting it of the moral capacity to render the outcomes of the process legitimate. At least if the process were fair, the outputs could be said to be fair in that procedural sense. A fair procedure, some argue, requires equal availability of [influence], or at least insulation of influence from things like differential wealth. It is natural to conclude that whether or not justice requires economic equality, legitimacy requires substantive political equality – equal availability of political influence – so as to keep the political process fair” (2000, p. 129).

How could everyone agree to an unequal distribution of political power? In particular, how could those with a less-than-equal share agree to such a distribution? They could agree to it if they cared enough about things other than the procedural fairness of their society's political decision-making. If, for example, they cared more about getting the right answers than they did about everyone having an equal say in the decision-making procedure leading up to those answers. If everyone felt this way, then they could agree that political power ought to be distributed in proportion to competence, which is not evenly distributed throughout society.

Of course, it is unlikely that this (or anything else) would be the object of unanimous agreement in any actual society. But that is not the relevant standard; on the version of contractualism we are considering, the relevant standard is hypothetical agreement, not actual agreement. An institution is legitimate if and only if each person living under it *could* agree to it. The relevant question is whether each person living in the society I have just described could agree to a set-up in which some have more power than others. Each person could agree to it, I suggest, if he believed the following three things: (1) it is very important to get the right answer to political questions; (2) distributing political power in proportion to competence is the best way to get the right answer to political questions; and (3) his own share of political power is (roughly) proportional to his level of political competence.¹⁰⁰ People could disagree about everything else, but as long as they agreed on these three points, an unequal distribution of political power would be legitimate. While unanimity on these points is unlikely, it is possible; and that is reason enough to deny the claim that an equal distribution is the only distribution of power that could be the object of unanimous agreement.

¹⁰⁰ Some political egalitarians (e.g., Christiano and Estlund) claim that it is impossible for each person to accept (3). I will argue that it is possible later in the chapter; for now, I simply assume that it is.

The second, more fundamental worry I have about the contractualist's argument for political egalitarianism has to do with the contractualist approach to legitimacy itself. Following Joseph Raz (1998), I will now argue that there is no good theoretical reason to view legitimacy as conditional on agreement. (There are probably good *pragmatic* reasons to do so, but that's another issue.¹⁰¹) To begin, consider the fact that contractualists can avoid the conclusion that no institutions are legitimate only by excluding the unreasonable from the group of people whose agreement is a necessary condition of legitimacy. We have already noted that most contractualists adopt hypothetical, rather than actual, agreement as their standard of legitimacy because it opens up the possibility that some institutions might actually be legitimate. (In every society – at least in every complex, modern society – there will be at least one person who would never come to see the institution in question as morally justified.) But, even on the hypothetical agreement standard of legitimacy, the contractualist still faces a threat from people who are unreasonable; such people may not be *able* to accept the demands placed on them by the institution in question, thereby rendering it illegitimate. In response to this threat, contractualists place restrictions on the group of people whose hypothetical agreement is necessary for legitimacy; they exclude unreasonable people from the group, for example. The basic idea is that we do not need to justify our institutions to unreasonable people (or people with unreasonable views on the relevant issues), because they are beyond the reach of rational justifications.

¹⁰¹ Beyond the pragmatic reasons to exercise restraint in the face of disagreement (e.g., concerns about stability), there may also be epistemic reasons. Raz suggests that history can teach us a lot about how to navigate these competing reasons. The settlements and strategies that have arisen in the history of a society are likely the best places to start when looking for a morally acceptable solution to the problem of disagreement in politics (1998, pp. 47-52).

But excluding the unreasonable in this way is problematic for two reasons. First, we face the difficult task of determining who or what is (un)reasonable. On our ordinary understanding of reasonableness, a reasonable person is one who responds appropriately to reasons, to evidence. An unreasonable person, by contrast, is unwilling or unable to change his beliefs or intentions in the face of evidence that they are misguided. Taken in isolation, the fact that you do or do not hold a particular belief tells us nothing about your reasonableness or lack thereof. Whether it is reasonable for you to hold the belief in question depends on how you were raised, what evidence you have been exposed to, and much else besides. If you were born into a culture in which hereditary slavery was common and in which you were taught that there is nothing wrong with the practice, say, then you could reasonably believe that it is morally permissible.¹⁰²

Some people will resist this claim. They will deny that it could ever be reasonable to believe that slavery is anything other than evil. That reaction is understandable, given the fact that anyone raised in a modern Western society who believed that hereditary slavery is morally permissible would be unreasonable. If you were raised in such a society, you have been exposed to sufficient evidence that slavery is in fact morally evil. But the pro-slavery person we are imagining was raised in a society very different from our own; given the evidence he has (not) been exposed to, his belief could be reasonable. The upshot is that determining who or what is reasonable or unreasonable is not as easy as one might think.

A further reason why excluding the unreasonable is problematic is that every person, whether reasonable or not, counts morally. As Raz notes: “The life and well-being of those with unreasonable views are just as likely to be affected by the actions of political authorities as the

¹⁰² Raz uses the example of creationist science to make the same point: “[P]erfectly reasonable people can have unreasonable beliefs. Creationist science is committed to many unreasonable beliefs, but if you were taught creationist science at school and at home and came across no other science, then your reasonableness may be more in doubt if you reject creationist science than if you believe it” (1998, p. 35).

life and well-being of other people. Moreover, their life and well-being are of moral consequence. They cannot be ignored” (33). Holding unreasonable views may be an intellectual defect, but it is not a moral one. If your unreasonable views cause you to act wrongly, then you would be rightly criticized for those actions; but the holding of the views themselves is morally neutral. Therefore, whatever moral reasons there are for requiring the agreement of reasonable people apply equally to unreasonable people. If legitimacy requires agreement, then it requires the agreement of everyone, not just the reasonable.

The contractualist’s fundamental mistake is making justification dependent on agreement. Once she does that, the only way she can salvage the conclusion that some institutions are legitimate is to make hypothetical (rather than actual) agreement the standard of legitimacy. What this move ignores, however, is that there is no practical difference between actual justification and hypothetical justification: in the world in which we live, ‘can be justified to those living under it’ and ‘is justified’ amount to the same thing. Why think that some institution can be justified to those living under it? Because we are confident that it is justified by a sound argument.¹⁰³

On Raz’s view, which I endorse, agreement (whether actual or hypothetical) tells us nothing about legitimacy. Political institutions are justified (and thus legitimate) if and only if the principles upon which they are based are true. The reason people could agree to those principles is that they are true; they are not true because people agree to them.

¹⁰³ “Justifications are in principle publicly available. There can be contingent reasons why this person that will find it very difficult to come to realize that the principles are justified. But there is nothing inherently private about justification. Some people are not in a position fully to understand some justification or another, their senses may be impaired, or their powers of understanding limited. For the most part, even they are capable, however, of realizing that the principles or beliefs in question are justified” (Raz 1998, pp. 37-8). And: “Regarding any justified principle, people of normal capacities are in principle able to understand that it is justified. The requirement that the principles on which the constitution is based be justified already includes the requirement that every potential subject of the constitution be in principle capable of understanding that they are justified” (ibid., p. 38).

The contractualist would likely reply that Raz's view cannot accommodate the core insight of contemporary liberalism; namely, that justifications must be publicly available. To be legitimate, the coercive force of the state must be seen as justified by those on whom that force is exercised. It is not enough to have a true justification, the people being coerced must (be able to) see that the justification is true.¹⁰⁴

But this reply rests on an overly demanding view of what each of us is owed as a rational agent. It assumes that no rational agent should be forced to act on reasons she thinks are false, that there is always something problematic about someone being compelled to act on reasons that are not her own. It ignores one of the essential characteristics of rational agents: we can change our minds. If a person disagrees with our reasons, then we owe it to her to try to persuade her; and, since we could be the ones who are wrong, we should listen to her arguments as well. Especially when the stakes are so high – when we are trying to justify the use of coercive force – we should proceed with caution in the face of disagreement. Treating everyone as a rational agent requires us to do so, but it does not require us to avoid acting on what we believe are the best reasons.¹⁰⁵

¹⁰⁴ Consider Rawls's liberal principle of legitimacy: "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" (Rawls 2005, p. 137). As Nagel puts it, "our ultimate aim in political theory should be to approach as nearly as possible to unanimity, at some level, in support of the basic framework of those political institutions which are maintained by force and into which we are born" (1991, p. 8).

¹⁰⁵ In Raz's words: "Respecting people as rational self-directing agents does not require desisting from following true beliefs which those people dispute. The suggestion that it does have this implication confuses respect for people, because they have rational powers, with respecting their currently held views. That people have rational powers means that they are not stuck with the views they have at any given time, that they can examine and revise them. We are considering the response to the fact that they have false beliefs. Given that they are rational we expect them to examine and revise such beliefs, and if we have any duties in this matter it is to encourage such reexamination. In politics these duties include respecting freedom of expression, explaining policies to the population, and being open to arguments and to contrary suggestions. It does not include a duty to desist from following the truth, when it is disputed" (1998, p. 43).

Let's recap where we've been so far. According to contractualist arguments for political egalitarianism, legitimacy requires unanimous agreement; unanimous agreement is impossible unless everyone has an equal share of political power; therefore, legitimacy requires an equal distribution of political power. I have two worries about such arguments. First, I suspect that an unequal distribution of political power could be the object of unanimous agreement, and thus meet the contractualist standard of legitimacy. But even if I am wrong about this, there is still reason to resist these arguments, because the contractualist account of legitimacy is not plausible. At least in the context of political legitimacy, agreement has no justificatory force.

II.

We now turn to a best-results conception of legitimacy. On a best-results conception, political institutions are legitimate if and only if they produce better results than any other available institutions. Results can be evaluated along many different dimensions – happiness, fairness, moral virtue, etc. If happiness were the relevant dimension, for example, an institution would be legitimate if and only if it produced more happiness than any other available institution.

In this section we will focus on Robert Dahl's (1989) argument for political egalitarianism, which evaluates results in terms of the equal advancement of interests. The argument runs as follows:

1. Whatever political institutions do the best job of advancing equally the interests of everyone living under them are legitimate.
2. The institutions that fit this description are those that give each citizen an equal share of political power.

3. Therefore, political power ought to be distributed equally.¹⁰⁶

In short, legitimacy requires equal advancement of each person's interests, and the equal-advancement-of-interests requirement entails that each person must have an equal share of political power.

But while Dahl's best-results view of legitimacy is more plausible than the contractualist's view for the simple reason that agreement plays no role in Dahl's view, his argument for political egalitarianism is no more successful than the contractualist's. Dahl's argument is unsound because the claim that giving each person an equal share of political power is the best way to ensure that everyone's interests are advanced equally is false. It is false because there are significant inequalities in the distribution of political competence.

By 'political competence' I mean the combination of moral and technical competence needed to advance people's interests in the political sphere.¹⁰⁷ Moral competence involves not only a certain kind of knowledge – knowledge of what is in one's own interest, what is in the interests of others, and how to reconcile one's own interests with those of others – but also the disposition to act in the way that that knowledge calls for. Technical competence is knowledge of how things work, how to get things done, how to achieve one's ends. (Moral and technical

¹⁰⁶ "At the decisive stage of collective decisions, each citizen must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen. In determining outcomes at the decisive stage, these choices, and only these choices, must be taken into account. [The justification for this requirement] rests on the practical judgment that voting equality at the decisive stage is necessary in order to provide adequate protection for the intrinsic equality of citizens.... Without it, citizens would face the prospect of an infinite regress of potential inequalities in their influence over decisions, with no final court of appeal in which, as political equals, they could decide whether their interests, as they interpreted them, were given equal consideration. Just as inequalities in other resources could give advantages to some persons in securing special consideration for their interests, and handicap others, so too, without a requirement of equal voting at the decisive stage, inequalities in votes could work cumulatively to violate the Principle of Equal Consideration of Interests" (pp. 109-10, emphasis in the original).

¹⁰⁷ I take this conception of political competence from Dahl 1989, pp. 57-8.

competence need not track one another. An agent could have very high moral competence but almost no technical competence, or vice versa.)

Why think that some people are more politically competent than others? Beyond anecdotal evidence, consider the fact that many voters consistently vote in ways that frustrate their own interests.¹⁰⁸ The simplest explanation of this is that at least some of these voters are lacking in political competence: they either do not know what is in their interests, do not know how to advance their interests through the voting booth, or both.

Dahl need not deny that some people are more politically competent than others. What he must deny is that differences in competence could be large enough to justify giving some people more political power than others. And he does in fact deny this, by arguing that each person is better placed than anyone else to advance her own interests:

In judging whether some course of action or policy is in A's interests, either we must know something about A's preferences, wants, or needs, or we must possess knowledge of what is good for A independently of A's own preferences, wants, or needs....The more that knowledge of A's interests requires direct access to A's awareness, the more advantageous is the position of A herself. If we were to assume that A's own interests are most accurately reflected by her immediate *preferences*, her claim to adequate, even superior knowledge of her interests is enormously strengthened. Likewise, though A's expressed preferences might reflect a mistaken view of her deeper or more enduring *wants*, with respect to her wants, too, her unique access to her own awareness again provides a definite advantage. Even if we were to hold that human interests consist ultimately not of preferences or wants but *needs*, as a general matter the self is probably in a better position than any other to know the relative order of urgency among its various needs. (1989, p. 102)

That all sounds plausible enough. So why do I say that giving everyone an equal share of political power is not the best way to advance each person's interests equally? Because knowing one's interests and advancing one's interests are not the same thing. Even if A knows better than anyone else which outcomes are in her interest, she may not be in a position to bring about those

¹⁰⁸ See Jason Brennan (2011a, Ch. 7), Larry Bartels (2008, Chs. 3 and 4), and Bryan Caplan (2007).

outcomes. Getting the outcomes one wants often requires knowledge and skills that many people lack – knowledge of how the political system works and the ability to get things done within that system.

To sum up: Since people differ in their ability to advance their own interests within the political sphere, Dahl's argument for political egalitarianism has a false premise; namely, the assumption that giving everyone an equal share of political power is the best way to ensure that everyone's interests are advanced equally.

In response to this criticism, Dahl may be willing to concede that political equality is not sufficient for equal advancement of interests; he could say that an equal distribution of political power alone is not enough to meet his standard of legitimacy. But he would likely insist that an equal distribution of power is nevertheless a necessary condition of legitimacy: ensuring that everyone's interests are advanced equally will require something in addition to equalizing everyone's share of power – offering political training classes, perhaps, or financial subsidies to those who are politically disadvantaged. Whatever else legitimacy requires, however, surely it requires an equal distribution of political power.

To which I reply: If an equal distribution of power is not sufficient for the equal advancement of everyone's interests, then why insist on it? Suppose no amount of training, subsidies, etc. will lead to everyone's being equally able to advance their own interests. What then? If equal consideration of interests is our ultimate goal, then we should accept deviations from equality in the sphere of political power when these would better achieve that goal.

At this point, Dahl would presumably suggest that each of us has an interest in our judgments being taken as seriously as everyone else's. Dahl could then argue that any attempt to achieve the equal advancement of interests without an equal distribution of power is doomed to

failure. The interests of those with greater-than-equal power would inevitably be advanced to a greater degree than the interests of those with less-than-equal power. Every person has an interest in his judgments being given equal weight, and, in the case of those with less-than-equal power, this interest is necessarily frustrated.¹⁰⁹

But this argument works only if we accept (1) that there can be no public test for political competence and (2) that each person has an interest in having his judgment be given equal weight. Although I think that both of these claims are false, I will not say much about (1) now. This is not only because I have a hard time saying what form public tests of political competence should take – which I do – but also because I will say more about them in the next section. For now, let's focus on the claim that each person has an interest in having his judgment be given equal weight. I think we should reject this claim because there is no compelling reason to give everyone's judgments equal weight; and, absent such a reason, to assume that everyone's judgments must be given equal weight is to beg the question in favor of political egalitarianism. I accept that all sane human beings have an interest in their judgment being given some weight – i.e., in not having their judgment ignored. To have one's judgment ignored would be to have one's rationality ignored. But what reason is there to think that each of us has an interest in having his judgment taken *equally* seriously?

We treat different people's judgments differently all the time, and it is hard to believe that this frustrates anyone's interests. We generally take the judgments of experts more seriously than we take the judgments of non-experts, for example. Whether the subject is knitting or nuclear physics, we give extra weight to the judgments of people who know a lot about it. Suppose the subject is your health. Far from being frustrated, your interests are better advanced by giving

¹⁰⁹ This should call to mind the argument of Christiano (2008, pp. 88-96) that we looked at in Chapter 2.

your doctor's judgment more weight than your own: you will be better off in the long run if you trust his judgment more than your own. Your judgment matters – it should not be ignored – but, when the subject is your health, it should not be given the same weight as your doctor's.

Dahl would likely say that this sort of case is irrelevant to the argument for political egalitarianism. We are not talking about judgments in general or interests in general; we are talking about *political* judgments and *political* interests.¹¹⁰ Politics differs from other subjects (e.g., medicine) in that A's judgment about her own political interests are always more reliable than anyone else's judgment about A's political interests.

But I think this is simply false. We all hold some mistaken beliefs about what is in our best interest politically, and many people's beliefs in this area are deeply confused. Indeed, I suspect that in many cases the people who know a person well (her friends and family, say) have a better sense of what is best for her than she herself does. In such cases, that person would be better off if her judgments were not given equal weight. Suppose A gets all of her news from a very distorting source – e.g., the public-relations division of a political party. This leads her to have consistently false beliefs about all sorts of things, including the connection between various governmental policies and her own well-being. My claim is that A's judgments should not be given equal weight. Everyone, including A, would be better off if we gave more weight to the judgments of people who were better informed than A. If I am right about this, then it is strange to say that we all have an interest in having our political judgments taken equally seriously. And, absent such an interest, there is no reason to think that an equal distribution of political power is the best way to advance everyone's interests equally.

¹¹⁰ Christiano (2008, pp. 64–6) makes a lot of this distinction.

But, we can imagine Dahl interjecting at this point, what about A's interest in autonomy? Deferring to others' judgments about your own interests is a serious loss of autonomy. Hence, it is impossible for A's interests to be advanced equally while A is deferring to others' judgments about those interests.

My response is three-fold. First of all, I am not saying that we should completely ignore A's judgments about her own interests or anything else. We should give them some weight, just not as much weight as we give to the judgments of some other people. Secondly, deferring to others' judgment need not involve a loss of autonomy. As Julia Driver has noted:

When an agent decides to accept the testimony [of the moral expert] the agent is acting autonomously. There is an autonomous decision not to make one's own decision. So, one does display independence of thought at this level. If the worry is that one is failing to make up one's own mind, then the worry involves a confusion over levels of decision-making. If I *decide* to trust the expert, I have made an autonomous decision. (Driver 2006, p. 635, quoted in Brennan 2011a, p. 97).¹¹¹

In other words, if A were to recognize that she would be better off by deferring to others' judgments, she could choose to do so without thereby surrendering any autonomy. Finally, no one is completely autonomous. So, even if A's lack of political power involves some loss of autonomy, it need not set back her interests to a significant degree.¹¹²

¹¹¹ Jason Brennan offers this example:

Deference can be autonomous when done the right way. When I was a graduate student, I received plenty of practical advice (about writing, presenting, networking, etc.) from my dissertation supervisor and other faculty. I was in a position to grasp the truth of some of this advice but not all of it. Some of the advice could be shown true only through experience. Still, when I accepted this latter kind of advice, I was not thereby acting non-autonomously. I did not just take their word for it. Rather, I accepted their advice because I came to an independent, autonomous judgment that they were trustworthy and reliable advisers. Even as I followed their advice, I remained prepared to stop following it if I came upon strong enough evidence that they were wrong. (2011a, p. 97)

¹¹² As Brennan puts it: "A self-controlled, authentic, autonomous individual might defer to others on politics because she recognizes that others will produce good enough outcomes, and within that range of likely outcomes, the outcomes just are not that important to her. Or she might defer because she accepts not having control over everything and finds more important places to make her stand" (Brennan 2011a, p. 101).

Now for a brief recap of this section. Dahl argues that the best way to advance everyone's interests equally is to give each person an equal share of political power. I tried to show that this argument fails because political competence is not distributed equally. Since some people are more competent than others, it is possible for everyone's interests to be advanced equally even if some have more power than others. Assuming that equal advancement of interests is the criterion of legitimacy, therefore, a political institution that allows some people to have more power than others could be legitimate.

III.

David Estlund's (2008) argument for political egalitarianism rests on his *epistemic proceduralism*, which is a hybrid contractualist/best-results theory of legitimacy. Estlund argues that if we want to make the most accurate decisions we can while still respecting the need for unanimous agreement, then we ought to adopt a decision-making procedure in which power is distributed equally.¹¹³

As with the previous two arguments for political egalitarianism, I do not find this one convincing. Estlund dismisses the possibility of everyone agreeing to an unequal distribution of political power, even one that is epistemically superior to an equal distribution. He claims that someone could always object to a decision-making procedure in which some participants had

¹¹³ Throughout this section, I talk as if Estlund were a political egalitarian. This could be misleading, since Estlund is attempting to justify democracy, not an equal distribution of political power. These concepts are not equivalent because some democratic procedures and institutions may involve unequal distributions of power. So why call Estlund a political egalitarian? Because it is much less clunky to say "Estlund" than it is to say "someone who offers a parallel argument for political egalitarianism." Thus, in the interest of simplicity, I will continue to treat Estlund as a political egalitarian.

more power than others. In this section, I will argue that everyone could agree to an unequal distribution of power, if the epistemic benefits were large enough.

To understand Estlund's argument, we need to understand epistemic proceduralism. According to epistemic proceduralism, decisions "are legitimate and authoritative because they are produced by a procedure with a tendency to make correct decisions" (2008, p. 8).¹¹⁴ As the term 'epistemic proceduralism' suggests, there is both a substantive and a procedural aspect to this standard of legitimacy. In order to produce legitimate decisions, a procedure must be (a) procedurally fair and (b) more likely than not to get the right answers on the most important questions.¹¹⁵ The only decision-making procedures that can satisfy both of these criteria, according to Estlund, are ones in which political power is distributed equally. Therefore, he concludes, an equal distribution of political power is necessary for legitimacy because it is the epistemically best procedure among those that are morally acceptable.¹¹⁶

¹¹⁴ Whereas I talk about the legitimacy of institutions, Estlund talks about the legitimacy of decisions. There is not a problem, however, because legitimate decisions are simply decisions produced within legitimate institutions. Thus, there is no tension between my discussion of legitimacy and Estlund's.

¹¹⁵ This may sound quite demanding, but the epistemic bar is actually pretty low: "Epistemic proceduralism does not need procedures to be highly accurate. This is an easy point to miss, because a natural alternative epistemic approach might say that laws are legitimate and authoritative when they are actually just or correct – that is, only if the procedure is highly accurate in that sense. Epistemic proceduralism is importantly different. It says that a modestly epistemic procedure gives legitimacy and authority to the general run of laws, even the mistaken ones. The analogy to keep in mind here is the jury trial, since its epistemic value is a crucial reason we think that even erroneous verdicts have authority. That, too, is an epistemic proceduralist structure. The point here is that we are not looking for a source of extremely high accuracy for democratic procedures (though that would be nice). Something quite modest will serve the needs of the theory" (Estlund 2008, p.18).

¹¹⁶ "I hope to support the conjecture that a proper democracy will tend to perform better than random across the wide range of issues it would face by arguing that with respect to the primary bads it would perform *far better than random*. If we show that the primary bads [e.g., war, famine, economic collapse, political collapse] would be *reliably* avoided, and why, then we can argue from there that this supports the supposition that the general run of decisions would be made with better-than-random accuracy: after giving due weight to the more important decisions, and factoring this into the evaluation of performance (a correct answer on a more important issue counts for more), the result would be better than a random procedure. It is the overall weighted score that epistemic proceduralism needs to be better than it would be in a random procedure" (ibid., p. 160).

Estlund says that although some distributions of power could very well be epistemically superior to an equal distribution, they could not be legitimate because they would require us to make *invidious comparisons* among the members of society. The comparisons in question are claims of differential expertise, “claims that some [citizens] are wiser than others” (2008, p. 36). Such comparisons are invidious because those who are labeled less wise – or, more simply, incompetent – would resent the label and deny the legitimacy of the system that placed it on them. The only way to avoid the problem of invidious comparisons, according to Estlund, is to make legitimacy conditional on (hypothetical) agreement. We thus get his *qualified acceptability requirement*, which states that a “necessary condition on the legitimate exercise of political power [is] that it be justifiable in terms acceptable to all qualified points of view” (ibid., p. 41).¹¹⁷

So Estlund’s argument for political egalitarianism comes to this: an equal distribution of political power will lead to decisions that are better than random; any unequal, epistemically superior distribution of political power will run into the problem of invidious comparisons; therefore, if we want to make the most accurate decisions we can while also respecting each person’s moral status, we ought to distribute political power equally.

I think we should reject this argument for a couple of reasons. For one, there is good reason to reject the claim that consent or agreement is a necessary condition of legitimacy. Since we spent a good deal of time on this already, I will not belabor the point here. I find Raz’s argument against the agreement-for-legitimacy view (see pp. 89-93 above) decisive. Raz shows that respecting people as rational agents does not require us to avoid acting on reasons with

¹¹⁷ For our purposes, we can treat “qualified acceptability” as equivalent to “reasonable agreement.” If we substitute ‘reasonable’ for ‘qualified’, we get something very similar to Rawls’s liberal principle of legitimacy: “[O]ur exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in light of principles and ideals acceptable to their common human reason” (Rawls 2005, p. 137). For Estlund’s explanation of why he prefers ‘qualified acceptability’ to ‘reasonable agreement,’ see 2008, pp. 43-4.

which they disagree. And once we do away with the agreement condition, we have to take seriously the possibility that an unequal distribution of political power could be morally acceptable. That is, even if an equal distribution of power is the only distribution that everyone could agree to (which I doubt), this does not show that an equal distribution is the only legitimate one.

My second worry about Estlund's argument is that, despite appearances, it does not take the accuracy of political decisions seriously enough. Estlund admits that some unequal distributions of political power could produce more accurate decisions than could an equal distribution.¹¹⁸ The only reason he does not endorse any unequal distribution of power is that it would require us to make invidious comparisons between citizens. It would require some sort of competence testing, he says, and there will always be reasonable doubts about whether these tests are reliable measures of how competent people actually are. I do not think we should give up the potential increased accuracy of our decisions so quickly, however. Instead, we should look more closely at whether it is possible to increase the accuracy of our decisions without making invidious comparisons. I believe it is.¹¹⁹

¹¹⁸ "[E]ven if the knowers aren't generally acceptable, they do exist. And they might simply be a more accurate source of knowledge about what should be done than any democratic procedure could ever be. I don't want to deny this" (Estlund 2008, p. 7).

¹¹⁹ On this point, I agree with John Stuart Mill: "There is not, in [the practice of distributing power in proportion to competence], anything necessarily invidious to those to whom it assigns the lower degrees of influence. Entire exclusion from a voice in the common concerns is one thing: the concession to others of a more potential voice, on the ground of greater capacity for the management of the joint interests, is another. The two things are not merely different, they are incommensurable. Every one has a right to feel insulted by being made a nobody, and stamped as of no account at all. No one but a fool, and only a fool of a peculiar description, feels offended by the acknowledgement that there are others whose opinion, and even whose wish, is entitled to a greater amount of consideration than his. To have no voice in what are partly his own concerns is a thing which nobody willingly submits to; but when what is partly his concern is also partly another's, and he feels the other to understand the subject better than himself, that the other's opinion should be counted for more than his own accords with his expectations, and with the course of things which in all other affairs of life he is accustomed to acquiesce in. It is only necessary that this superior influence should be assigned on grounds which he can comprehend, and of which he is able to perceive the justice" (1861, Ch. 8).

A lot depends on the details, of course. Some judgments about a person's competence are demeaning; it is clearly demeaning, for instance, to be labeled as less competent than your fellow citizens simply because you have less formal education than they do. But this does not show that all judgments about competence are demeaning. It may not be demeaning to be labeled as less competent than your neighbors if you freely choose to be so labeled. Suppose the government (national, state, or local) sets up a series of civics classes. The only requirement is that each class cover certain basic information about history and about how the political process works (how votes are cast, how districts are drawn, how a bill becomes a law, etc.). The classes themselves are run by various organizations (political parties, chambers of commerce, activist groups, etc.). Now suppose that the government enacts a law saying that you cannot give money to any political campaign unless you have attended at least one of these classes. The law is justified as follows: by restricting campaign donations in this way, our political decisions will be more accurate, because people will be more informed about who they are giving their money to and how it will be spent. Assume for the sake of argument that the law would indeed lead to more accurate decisions. The question is, Does this increase in accuracy come at the cost of invidious comparisons? Not obviously. If you choose not to attend a meeting, then you will have a less-than-equal share of political power because you will not be able to donate money to political campaigns. But our explanation of why you have a less-than-equal share of power is not that you are less competent or less important than anyone else; rather, it is that we have no evidence that you possess the basic information covered in the classes. Our law is based on the presumption that attending a class is a reliable indicator of at least a minimal level of political competence. Thus – assuming the law was well publicized, the meetings were offered at convenient times, etc. – you have no one to blame but yourself for your relative lack of political

power. We are not discounting your intellectual or moral worth. We are saying that, since you did not jump through certain hurdles, you cannot do certain other things.

To be clear, I am not saying that we should offer such classes and use them in the way imagined. In any real-world scenario, some people will not have access to such classes or the classes themselves will be used for non-educational purposes (political parties will seek advantage by preventing members of other parties from attending, say). All I am trying to show here is that there is nothing necessarily invidious about judgments that some people should have more political power than others. At least for those who did have a genuine opportunity to attend but chose not to, their relative lack of power is not morally objectionable. This (admittedly unrealistic) scenario shows that we could get the epistemic benefits of making the distribution of political power sensitive to competence without making demeaning judgments about anyone. Thus, Estlund's claim that an unequal distribution of political power necessarily involves invidious comparisons is false.

It is worth noting that we do not need to make precise judgments about competence in order for more competent people to have more political power than less competent people. Many of the institutional filters we have in place do not even try to identify the most competent; they are designed merely to weed out the incompetent. Why do we require most government employees to have college degrees? Not because the possession of a degree ensures that you are fully competent but because the lack of a degree is a reliable indicator that you are not fully competent. Why do we require senior-level administrators to be confirmed by Congress? Again, the idea is not that the most competent candidate will emerge from the confirmation process but rather that the process will prevent a truly incompetent candidate from getting the job. Qualification requirements and confirmation hearings are designed to ensure that the people

whom we entrust with a certain amount of power have a certain amount of competence. They are analogous to jury selection in this regard. Lawyers are not looking for the most competent jurors; they are trying to get rid of those who are incompetent in ways relevant to the case.¹²⁰ While it is hard to know how much such filters improve the accuracy of our collective decisions, they surely help somewhat. And here's the important point: they do not require us to make invidious comparisons.

Now, one could insist that qualification requirements do involve invidious comparisons – “You don't have a degree, so you must be incompetent.” But if that is right, then it is hard to see why such comparisons are morally objectionable. If you do not meet the minimum requirements for admission to the university of your choice, you should not feel insulted when your application is denied. You know where the bar is set, and you are free to do whatever you can to clear that bar and apply again next year.

Of course we will make mistakes in our judgments about people's competence levels. After all, we are drawing rough-and-ready conclusions from minimal evidence. The risk of making a mistake is present in any political action, however. It is often a reason to proceed with caution, not a reason for inaction.

To sum up this section: Estlund argues that if we want to make accurate decisions, within the constraints of unanimous agreement, we should distribute political power equally. Any unequal distribution would lead to invidious comparisons, he argues. I have tried to show that this is not necessarily true, that we can have the epistemic benefits of an unequal distribution of political power without demeaning or insulting anyone. Thus, Estlund's hybrid best-results/contractualist theory of legitimacy does not entail political egalitarianism. Even if we accept that

¹²⁰ See Brennan (2011b, pp. 703-10) for a discussion of the parallels between the role of juror and the role of voter.

legitimacy requires both accurate decisions and unanimous agreement, legitimacy does not require an equal distribution of political power.

IV.

We will conclude this chapter with arguments based on deliberative democratic theories of legitimacy. Deliberative democrats see legitimacy as a product of free and rational public deliberation.¹²¹ We will look at the arguments for political egalitarianism of two prominent deliberative democrats: Joshua Cohen and Jürgen Habermas. By now it should come as no surprise that I do not find these arguments compelling. Not only is the deliberative democrats' view of legitimacy problematic, I doubt that an equal distribution of political power is the only way to secure the goods that deliberative democrats claim legitimacy requires.

We begin with Cohen's argument. Its starting point is the following criterion of legitimacy: "outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals" (2009, p. 23). How could outcomes be the object of a free and reasoned agreement among equals? By emerging from a decision-making process in which reason alone determines the outcome. Cohen then describes what such a process – which he calls the *ideal deliberative procedure* – would look like.¹²² For our purposes, the only relevant feature of the ideal deliberative procedure is the need for everyone involved to be equal in certain respects:

¹²¹ Classic statements of deliberative democracy can be found in J. Cohen 1989 and 1996; Habermas 1996; and Gutmann and Thompson 1996. Some read Rawls as a deliberative democrat, but this is controversial (see Brighouse 1997, and J. Cohen 2003).

¹²² There are four features in total: it is free, it is reasoned, it is among equals, and it aims at consensus (Cohen 2009, pp. 23-5).

In the ideal deliberation, parties are both formally and substantively *equal*. They are formally equal in that the rules regulating the procedure do not single out individuals. Everyone with the deliberative capacities has equal standing at each stage of the deliberative process. Each can put issues on the agenda, propose solutions, and offer reasons in support of or in criticism of proposals. And each has an equal voice in the decision. The participants are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in the deliberation. (2009, p. 24, emphasis in the original)

That is the ideal at least. What does it have to do with real-world deliberations? Cohen says that we should try to approximate the ideal as closely as possible.¹²³ The closer we can bring our actual procedures to mirroring this ideal, the better our decisions will be. (Call this the *mirroring doctrine*.¹²⁴) And in order to approximate the ideal deliberative procedure, we need an equal distribution of political power: “people who are equally motivated and equally able to play [the role of active citizen], by influencing binding collective decisions, ought to have equal chances to exercise such influence” (Cohen 2009, p. 272). Inequalities of power introduce non-rational forces into the process. The powerful could coerce (through bribery, threats, etc.) the weak into accepting a decision that they know is not supported by the best reasons.¹²⁵ The relatively powerless could be forced to accept a decision that they do not actually agree with – either because they literally cannot do anything to stop it or because agreeing to it is the only way to avoid some worse alternative.

So, to summarize Cohen’s argument for political egalitarianism:

¹²³ “The aim in sketching this procedure is to give an explicit statement of the conditions for deliberative decision-making that are suited to the formal conception, and thereby to highlight the properties that democratic institutions should embody, so far as possible. I should emphasize that the ideal deliberative procedure is meant to provide a model for institutions to mirror” (Cohen 2009, p. 23).

¹²⁴ The label comes from Estlund 2008.

¹²⁵ The idea must be that equalizing power would minimize such non-rational forces, not eliminate them, since coercion is certainly possible among equals.

1. In the ideal deliberative procedure, everyone must have equal opportunity for influence (equal power) over the collective decision-making process.
2. Legitimacy requires that our political institutions mirror the ideal deliberative procedure as closely as possible. (The mirroring doctrine.)
3. Therefore, legitimacy requires an equal distribution of political power.

I think we should reject both premises of this argument. We will consider each in turn.

The problem with the first premise – the claim that, in the ideal deliberative procedure, everyone must have equal opportunity for influence over the decision-making process – lies in its justification. The justification appeals to two values: responsibility and accuracy. Cohen takes pains to explain why both of these values call for equality of opportunity for influence, rather than straight equality of influence, in the ideal deliberative procedure.¹²⁶ Responsibility calls on us to allow deviations from straight equality of influence in the ideal deliberative procedure because allowing some people to have more influence than others is a necessary part of treating everyone as responsible agents. If someone chooses to sit out of some deliberation, for instance, holding him responsible for this choice entails allowing him to have no influence on the outcome of that deliberation. Similarly, we should allow deviations from equality of influence in our ideal deliberative procedure because this would improve the accuracy of our decisions. Everyone having equal opportunity to influence our collective decisions leads to better decisions than everyone having the same amount of actual influence because the former, unlike the latter, allows

¹²⁶ “[I]t is unreasonable to demand influence irrespective of one’s own actions or of the considered convictions of other citizens. That demand is unreasonable, because a compelling interpretation of the idea of political equality must ensure a place for individual responsibility. Members of a democratic society are represented as free.... As free, they are to be treated as responsible for their political judgments and conduct. So if I demand influence irrespective of the judgments of other citizens, then I deny the importance of such responsibility. Once we accept it, then we accept, too, that a regime with equal opportunity for effective influence is almost certain to be associated with inequalities of actual influence” (Cohen 2009, p. 274).

us to discriminate on the basis of the quality of argument. We can let people who make good arguments be more influential than those who make bad arguments.

My claim is that Cohen's justification of his first premise better supports an ideal that permits some people to have greater opportunity than others to influence the decision-making process. In other words, Cohen should not stop at equality of opportunity; the same reasons he gives for allowing deviations from straight equality of influence also justify allowing deviations from equality of opportunity for influence. If we take responsibility and accuracy as seriously as Cohen says we should, then we should allow some people to have not just more actual influence than others but more *opportunity* than others.

Holding people fully responsible for the choices they make could entail allowing them to have less than equal opportunity for influence. Suppose John lost all of his money through gambling. Without money, John lacks one of the key means of influencing our public deliberations; thus, he has less opportunity for influencing our deliberations than many of his neighbors. (They can use money to publish their views and the arguments in support of those views, whereas John cannot.) But, assuming John knew the risk he was taking when he made his bets and freely chose to go through with them anyway, he is rightly held responsible for the choice that resulted in him having less-than-equal opportunity for influence. Hence, there are cases in which people make responsible choices that lead to them having not just less-than-equal actual influence but less than equal opportunity for influence.

The same is true of equality of opportunity for influence and the value of accuracy. If Cohen is right about the epistemic benefits of adopting equality of opportunity for influence, rather than straight equality of influence, then why not let those who make good arguments have greater-than-equal opportunity to influence our decisions? The ideal of equality of opportunity is

more attractive than straight equality of influence because it allows us to discriminate on the basis of quality of argument. Those who make good argument should have more actual influence than those who makes bad arguments. But if that's right, then why not go one step further and say that those who make good arguments should have more opportunity to influence our decisions than those who make bad arguments? Our decisions would be more accurate if we gave the most skilled deliberators more opportunity to influence the process – more time to speak, perhaps. (The suggestion is not that taking accuracy seriously should lead us to prevent all but the most skilled people from speaking; rather, it is that we allow the most skilled to speak more than the least skilled.) In short, it looks like Cohen's justification of his first premise does more than he realizes: it justifies not only inequality of actual influence but also inequality of opportunities for influence over the process of public deliberation.

Now, Cohen would likely reject my claims in regards to both responsibility and accuracy. In regards to responsibility, Cohen would likely say that taking responsibility seriously does not require us to allow people like John to have less than equal opportunity for influence. He would probably deny that John has less than equal opportunity despite his lack of money; the idea being either that having equal opportunity at one time is sufficient for realizing the ideal of equal opportunity or that John still has equal opportunity because he is still able to regain his lost money (and thereby his influence). In regards to accuracy, Cohen would no doubt challenge my claim that allowing some people to have more opportunity for influence than others would improve the accuracy our decisions. Inequalities of opportunity for influence lead to worse decisions, not better; such inequalities distort the deliberative process by giving non-rational

forces – bribery, threats, etc. – a larger role. After all, the reason that the ideal deliberative procedure has so much epistemic value is that, in it, none but rational forces are at work.¹²⁷

There are problems with each of these responses, however. Let us take responsibility first. The only way that Cohen can avoid the tension between responsibility and equality of opportunity is by invoking an implausible view of equality of opportunity. The view is that if you had equal opportunity at any point in the past, you cannot justifiably complain that you lack equal opportunity now. Even if you do not now, and never will again, have equal opportunity, that does not change the fact that you had it at some point in the past. And that is all that the ideal of equality of opportunity requires.¹²⁸ Why do I think this view is implausible? Because it seems to be at odds with the egalitarian intuitions that would lead someone to adopt equality (rather than, say, sufficiency) as the distributive ideal for opportunity in the first place. Consider two different intuitions that could underlie the belief that John has no grounds for complaint about his opportunity set after his losing bets. The first is that he still has *equal* opportunity. The second intuition that he still has *enough* of an opportunity. I suspect that someone who adopts the view of equality of opportunity I have sketched is more likely motivated by the second than the first.

There are at least two problems with Cohen's response in regards to the value of accuracy. For starters, there is plenty of room for non-rational factors to play a role even in deliberations among equally powerful parties. An equal distribution of power does little if

¹²⁷ “[Parties in an ideal deliberation] give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal. In ideal deliberation, as Habermas puts it, ‘no force except that of the better argument is exercised’ [Habermas 1975, p. 108]” (Cohen 2009, p. 24).

¹²⁸ Following Dworkin, we might call such a view a “starting gate” conception of equal opportunity. For a discussion of starting-gate theories of justice, see Dworkin (2000, pp. 87-90). For some graphic examples of how harsh such theories can be, see Anderson (1999, pp. 295-301).

anything to correct for the cognitive biases each of us brings to any deliberation.¹²⁹ Moreover, the threat of non-rational forces such as coercion and bribery playing a role in a deliberation is not necessarily increased by asymmetries of power. There is no reason to think that parties with slightly unequal shares of power cannot deliberate just as rationally as parties with precisely equal shares of power. Perhaps the threat of coercion, bribery, etc. is increased by *large* asymmetries in power. But, even then, a concern for accuracy should lead us to limit how large the asymmetries of power can get, not to eliminate them altogether.

Moving on now to the second worry I have about Cohen's main argument for political egalitarianism. It concerns the argument's second premise, the mirroring doctrine – the claim that we should attempt to approximate, as far as possible, ideal deliberative conditions in the real world. The problem with this claim is that in the real world, where deliberation falls far short of the ideal, trying to mirror ideal deliberations may actually make things worse. Our real-world deliberations do not, indeed cannot, perfectly resemble the ideal deliberative procedure; because actual deliberations have time constraints, participants are not equal in all relevant respects, participants do not always act in good faith, and for many other reasons. Why not try to get our real-world institutions to mirror the ideal deliberative procedure? Because, as Estlund points out, “promoting that kind of resemblance to the ideal would often require acquiescence in the face of serious distortions of the process of deliberation, skewing not only the process but also the

¹²⁹ For a discussion of such biases and the distorting effects they can have on deliberation, see Sunstein (2009).

decisions that are likely to result” (2008, p. 204). The best response to deviations from the ideal can be to further deviate from it. Sometimes we ought to fight fire with fire.¹³⁰

Imagine that you are running for Congress. Your opponent in the campaign is an incompetent jerk. (He does not know or care about the public good; he’s in politics only to better himself and his cronies.) His only chance to beat you is to “go negative” – i.e., to attack you personally. And that’s exactly what he does; he runs a relentlessly negative campaign. How should you respond? Should you stay above the fray, trying to adhere to the ideal of deliberative democracy by arguing rationally about policy issues? Or should you respond in kind by lobbing a few *ad hominem*s of your own? If you refuse to go negative, you will lose and your district will be represented by an incompetent jerk. If you attack your opponent personally, you will win. (Attack ads may appeal to non-rational forces, but they work.) So what should you do? You should go negative. This is a case where the appropriate response to an initial deviation from the norms of rational deliberation is a further deviation, not an attempt to adhere to those norms as closely as possible. Therefore, the claim that real-world political deliberations should mirror, so far as possible, ideal deliberative conditions – the mirroring doctrine – is false. And, thus, Cohen’s argument for political egalitarianism is unsound.

Now, Cohen would likely disagree with my analysis of this case. He would likely say that a further deviation from the ideal of rational deliberation can only be justified in terms of its good consequences, and that consequences are irrelevant here. Cohen is concerned with procedures, not consequences. On purely procedural grounds, two wrongs cannot make a right.

¹³⁰ “Even if it would be desirable for the deliberative norms to be respected by [everyone in the political sphere], nothing even approximating this is likely. This presents a profound version of the problem of the second best. The problem of the second best, in general terms, is the fact (when it is one) that when one of a number of desiderata is not satisfied, the other desiderata are no longer appropriate. That is, a situation that departs even further from the original list of desiderata may be better than one that more closely conforms to them” (Estlund 2008, p. 190).

Trying to justify your deviation from the norms of ideal deliberation by appealing to an outcome shows that you do not understand the nature of your obligation to conform to those norms. On Cohen's view, we are obligated to conform to the norms of the ideal deliberative procedure because we are trying to reach unanimous agreement through a process that is free of coercion and deception. By going negative in response to your opponent's initial negative tactics, you are getting even further away from the ideal. You are introducing even more coercion and deception into the process, thereby undermining the ultimate goal – unanimous agreement among free and equal rational agents.

What is my reply? The further deviation from the ideal deliberative procedure can be justified on purely procedural grounds. Your deviation is not simply a way of bringing about a single good result (your worthless opponent is blocked from becoming an elected representative), it also increases the rationality of our deliberations. By canceling out one irrational force with another, you are making the overall deliberation more rational. The second deviation brings us closer to the ideal rather than further away.¹³¹ Having our deliberations be as

¹³¹ On the notion of using a countervailing non-ideal force to get closer to the ideal:

[A]n influence that does not at first lead someone to choose something for the right reasons may in the longer run do precisely that. Like choices based on nonrationally conditioned preferences, choices that are directed at incentives, and hence are unconnected to the (potential) value of what is chosen, may themselves put agents in a position to appreciate that (potential) value 'from the inside.'... Moreover, while incentives admittedly can divert attention from value-based reasons, they can also cancel the effects of counterincentives that otherwise would themselves divert attention from such reasons. For example, by subsidizing artistic projects, a government can reduce the need for artists to undertake commercial ventures, and thus can free them to respond to more purely aesthetic considerations. (Sher 1997, p. 64)

rational as possible remains the ultimate goal, but we acknowledge that sometimes this goal is best served by introducing non-rational factors into actual deliberations.¹³²

So, in the end, I have two worries about Cohen's argument. The first is that the values of responsibility and accuracy, which Cohen appeals to in his justification of the ideal of equality of opportunity for influence, actually justify an ideal that allows for inequalities of opportunity for influence. If we take responsibility and accuracy seriously, then there is no good reason not to allow some people to have greater opportunities than others for influencing the decision-making process. My second worry has to do with the claim that our political institutions should mirror the ideal deliberative procedure as closely as possible. Cohen justifies this claim in terms of accuracy: the closer our actual institutions mirror those of ideal deliberation, the more accurate our collective decisions will be. But it certainly looks as though there are cases in which accuracy is better promoted by deviating from, rather than mirroring, the ideal.

Let us now turn to Jürgen Habermas's (1996) argument for political egalitarianism, which does not involve the mirroring doctrine. Here is my reconstruction of Habermas's argument from deliberative democracy:

1. In pluralistic societies, all appeals to truth are controversial: there is no comprehensive worldview or conception of the good that everyone shares.
2. Thus, we cannot show that our collective decisions are legitimate by appealing to truth – i.e., by insisting that our decisions are true or right. The only way we can justify our collective decisions is to show that they are reasonable.¹³³

¹³² Christine Korsgaard offers a parallel argument about how a Kantian can justify violating the duties of ideal theory in response to non-ideal circumstances: "The Formula of Humanity and its corollary, the vision of a Kingdom of Ends, provide an ideal to live up to in daily life as well as a long-term political and moral goal for humanity. But it is not feasible always to live up to this ideal, and where the attempt to live up to it would make you a tool of evil, you should not do so. In evil circumstances, but only then, the Kingdom of Ends can become a goal to seek rather than an ideal to live up to, and this will provide us with some guidance" (1986, p. 349).

¹³³ Notice that reasonableness here applies to decisions (or views, or claims, or beliefs), not people. This is a contrast with the contractualists such as Rawls, Nagel, and Scanlon.

3. There is no process-independent standard for reasonableness. Reasonable decisions are ones “to which all who are possibly affected could assent as participants in rational discourses” (458).
4. The standard for reasonableness – and thus legitimacy – is hypothetical agreement: “At the posttraditional level of justification,...the only law that counts as legitimate is one that could be rationally accepted by all citizens in a discursive process of opinion- and will-formation” (135). So, a decision is legitimate if it could be unanimously agreed to after a rational deliberative process.
5. The best way to reach decisions that can meet this standard is to follow a decision-making process in which non-rational forces (coercion, manipulation, exploitation, fear, etc.) play no role.
6. The best way to limit coercion, manipulation, exploitation, fear, etc. in our decision-making process is to give everyone equal opportunity to influence the process – i.e., to give everyone an equal share of power.
7. Thus, the best way to make reasonable collective decisions – i.e., decisions “to which all who are possibly affected could assent” – is to give everyone an equal share of power in the collective decision-making process.
8. Therefore, legitimacy requires an equal distribution of political power.

Habermas avoids the mirroring doctrine by not saying that real-world political deliberations should resemble ideal deliberations, but he does say that our political deliberations should produce decisions that resemble, as far as possible, the decisions produced by ideal deliberations. So, for Habermas, political equality is valuable insofar as it leads to outcomes that could have been produced by an ideal deliberative procedure.¹³⁴

My problems with the above argument begin with the third premise. Immediately after asserting that there is no process-independent standard of reasonableness to which we can appeal, Habermas appeals to just such a standard. He does so by invoking a hypothetical agreement view of legitimacy. On a hypothetical agreement view, we cannot judge the

¹³⁴ Estlund (2008, pp. 88-90) argues – persuasively, I believe – that this is the most charitable reading of Habermas’s justification of political equality.

legitimacy of a particular decision by looking at the actual process that produced it. The question of legitimacy is settled only by looking at the decision and asking whether it *could have been* the object of consensus in an ideal deliberation. And that can be determined only by making a considered judgment about whether the decision is reasonable. We can, of course, look at the features of the ideal deliberative process and see if any of these rule out the decision in question. But we cannot know whether it could be the object of consensus in an ideal deliberation; because, among other reasons, we cannot even imagine all the different perspectives that would be represented in such a deliberation. Since we cannot engage in ideal deliberations, we must rely on our considered judgments here and now to determine whether a particular decision could have emerged from an ideal deliberative process. So, unless Habermas is willing to concede that we can never know whether a particular decision is legitimate (which would be an unwelcome implication of a theory of legitimacy), he must appeal to a process-independent standard of reasonableness.

Now, all this shows is that Habermas's argument is internally inconsistent: it appeals to process-independent standards while denying that there are any such standards. We can modify the argument to avoid this problem. We simply can remove the claim that there are no process-independent standards for the reasonableness of decisions and thus for legitimacy. But if we do this (as I believe we should), it becomes clear that agreement (whether hypothetical or actual) is not doing any justificatory work in the account. All the work is being done by some process-independent standard for reasonableness.

But, given his skepticism about process-independent standards for reasonableness, Habermas would likely resist this move. The only way to remove the inconsistency in his argument, therefore, is to give up his hypothetical agreement view of legitimacy and adopt an

actual agreement view instead. If Habermas were to insist that there are no process-independent standards for reasonableness – and thus no process-independent facts about the legitimacy of political decisions – he would have to modify the rest of his argument (steps 4 through 8) so that hypothetical agreement no longer provides the standard for the legitimacy of our decisions. He would have to modify his argument in this way because, as I noted above, a hypothetical-agreement view of legitimacy cannot judge the legitimacy of a particular decision by looking at the actual process that produced it. On such a view, we must look at the decision itself and determine whether it *could have been* the object of consensus in an ideal deliberation. And how do we determine that? Not by looking at the procedure that actually produced it – no actual deliberation is ideal, if for no other reason than that there are no time limits in ideal deliberations. No, we must determine whether a decision is reasonable by seeing if the reasons that support it are good reasons. What, according to this view, makes reasons good reasons? Presumably the fact that everyone would, after adequate deliberation, come to accept them. Thus if Habermas wants to avoid a process-independent standard of legitimacy, the most natural way to modify his argument would be to replace hypothetical agreement with *actual* agreement. Modified in this way, Habermas's criterion of reasonableness – and, by extension, legitimacy – for a decision would be whether everyone would in fact agree to it.

As we have already seen, however, an actual agreement view of legitimacy has the counter-intuitive implication that few (if any) decisions will ever be legitimate. There will (almost) always be somebody who disagrees with the decision in question.

Habermas faces a dilemma. First horn: keep agreement as the standard of legitimacy, but make it actual rather than hypothetical agreement. Second horn: employ a substantive (i.e., process-independent) standard of legitimacy, and admit that agreement is not doing any

justificatory work in the account. If Habermas adopts an actual-agreement view of legitimacy, then virtually no decision will be legitimate. If he adopts a view of legitimacy in which agreement plays no justificatory role, then he has abandoned one of his fundamental commitments; namely, the claim that unanimous agreement among rational agents is the only source of legitimacy in a pluralistic society.

Beyond the questions I have raised so far about Cohen's and Habermas's arguments, I have a worry about deliberative democracy in general. The worry is that the deliberative democratic account of legitimacy is irrelevant to the real world. It is irrelevant because it makes several unrealistic assumptions about politics and political agents. Cohen clearly states these assumptions when he spells out the features that a deliberative procedure must have if it is to produce legitimate decisions. The procedure must be *free*: the participants' "consideration of proposals is not constrained by the authority of prior norms or requirements" (2009, pp. 23-4). It must be *reasoned*: "[T]he parties of it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal" (p. 24). It must be among *equals*: "[The parties to the deliberation] are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in the deliberation" (p. 24). And it must aim at *consensus*: "[the goal of the procedure is] to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals" (pp. 24-5).

While there is nothing incoherent about these assumptions, the possible world in which they are realized is very far from our own. Hence, it is unclear how much the theory of

deliberative democracy can help us in answering practical political questions – such as how political power ought to be distributed. My worry, in other words, is that actual political agents and institutions are so far removed from ideal deliberative procedures that deliberative democracy is irrelevant to real-world political issues.

Deliberative democrats are aware of the irrelevance objection. Cohen's response is that the ideal of deliberative democracy gives us a model for institutional reform. Even if we ourselves and our political institutions can never perfectly resemble the ideal, we should try to approximate the ideal as closely as possible: "the ideal deliberative procedure is meant to provide a model for institutions to mirror" (2009, p. 22). The problem with this response is that it is simply a restatement of the mirroring doctrine, which we have already rejected. Remember: it does not follow from the fact that a certain deliberative procedure is ideally rational that we should try to make our real-world deliberations approximate it as closely as possible. Even if we want our actual decisions to be as rational as possible, mirroring the ideal deliberative procedure is not always the best way to achieve this goal. Sometimes the best response to deviations from the ideal is to deviate further from it, in an effort to counteract the initial deviations.

How problematic one finds the unrealistic assumptions of deliberative democracy depends on what one wants from a normative political theory. I suspect that most people want an ideal for how we could live, either now or in the foreseeable future. If I'm right about this, then the more unrealistic a theory's assumptions are, the more irrelevant it becomes. Every theory has to make some unrealistic assumptions. (My sufficiency view is no exception: it assumes that the

ideal distributive principle for political power is – to use Raz’s term – satiable.¹³⁵) But not every theory has to make as many unrealistic assumptions as deliberative democracy does.

So, to sum up, I reject Cohen’s and Habermas’s arguments for political egalitarianism because of their internal tensions and because the deliberative democratic account of legitimacy is implausible. I have two problems with Cohen’s argument in particular. The first is that his argument is not an argument for political egalitarianism; it actually justifies an ideal that would allow some people to have more power than others. The second problem with his argument is that it relies on the mirroring doctrine, which is false. As for Habermas, I claim that he faces a dilemma. He must either adopt actual agreement as the criterion of legitimacy (thereby ensuring that few if any decisions will ever be legitimate) or adopt a process-independent criterion of legitimacy (thereby abandoning his view claim that unanimous agreement among rational agents is the only source of legitimacy in a pluralistic society). And the deliberative democratic account of legitimacy is implausible because it makes several unrealistic assumptions about political agents and political institutions.

V.

In this chapter we have considered and rejected several more arguments for political egalitarianism. We began with an argument that takes a contractualist approach to legitimacy. I rejected this argument for two reasons: (1) contractualist theories of legitimacy are not plausible and (2) even if such theories were plausible, they would not provide a solid foundation for

¹³⁵ Principles are satiable if their demands can be completely met, in which case “whatever may happen and whatever might have happened the principles cannot be, nor could they have been, satisfied to a higher degree” (Raz 1986, pp. 235-6). This means that it is possible, in principle, for everyone to have enough political power. And if everyone had enough power, no one’s claim to more power would be stronger than anyone else’s.

political egalitarianism, since some unequal distributions of power could meet the contractualist standard of legitimacy. We then turned to an argument based on a best-results theory of legitimacy. I rejected this argument because there is good reason to doubt that an equal distribution of political power is the best way to achieve the best results. Next was David Estlund's (2008) argument for political egalitarianism, which is based on a hybrid contractualist/best-results view of legitimacy. I rejected this argument because I think that Estlund puts too much weight on the contractualist elements of his account and not enough on the best-results elements. Lastly, we looked at arguments based the deliberative democratic approach to legitimacy. I rejected these both because there are internal tensions within each and because the deliberative democrat's view of legitimacy is problematic.

Where does this leave us in regards to political egalitarianism? I agree with the political egalitarian's claim that any two people with equal political ambition and equal political talents ought to have the same amount of political power. Where I disagree with the political egalitarian is on the question of what, if anything, the above claim has to do with societies such as our own. In large, pluralistic societies, some people are more ambitious and talented than others. Political egalitarians say that we should structure our political institutions as if people were equally talented and ambitious. I think that would be a mistake. There are significant costs to ignoring differences in talent and ambition for the purpose of structuring our political institutions. The costs include violations of autonomy and less accurate collective decisions, among others. So, I concede that political equality is an attractive ideal, in certain circumstances. But it would be difficult, if not impossible, to bring about the relevant circumstances in any complex, modern society; and, even if that end were obtainable, the means may not be morally acceptable.

In the next chapter, I will try to show that, in most cases, a sufficient distribution of political power – i.e., a distribution in accordance with a principle of sufficiency – would better promote the values that motivate political egalitarianism. Whether a society ought to have an equal or a sufficient distribution depends on several factors, including the interests of the people there and the social institutions already in place. There is no simple formula that applies to all societies. In some, an equal distribution of political power will be the only way to strike the proper balance between the various values at stake. In most societies, however, a sufficient distribution would produce a better balance. Finding the proper balance will be difficult, of course. And which balance is proper can change over time: if accuracy becomes less important than solidarity, say, then competence should play less of a role in the distribution of political power than it did previously. We might then do away with judicial review, for example; because, no matter the cost in the accuracy of our decisions, we do not want to give so much power to a few unelected officials.

Chapter 4: A Sufficientarian Approach

Up to this point, my argumentative strategy has been almost entirely negative. I have argued that, with a few exceptions, equality is not an attractive distributive ideal for political power. It is not attractive because of the conflicts between political equality and other important values. We cannot pursue or maintain an equal distribution of political power without restricting some citizens' autonomy, decreasing the accuracy of our collective decisions, and so on. I will now pull together the strands of these negative arguments into a positive argument for a non-egalitarian distributive ideal for political power.

I defend a version of political sufficientarianism. Political sufficientarianism is the view that each person ought to have enough political power. Stated at this level of abstraction, few would object to the view; even political egalitarians could fully embrace it. What makes political sufficientarianism interesting (and controversial) is its further claim that something less than an equal share can be enough. I will attempt to justify sufficientarianism by appealing to the moral-equality requirement we encountered several times above. I agree with political egalitarians that we ought to set up our political institutions so that each member of society is treated as a moral equal. Where I disagree with egalitarians is on the question of whether this goal is best achieved by an equal distribution of power. I will argue that a sufficient distribution of power would better achieve this goal because it can better accommodate the fact that people differ in ways that affect how much political power they need in order to be treated as moral equals. On any plausible theory of well-being, a person's interests depend in part on her circumstances – her own preferences and skills, the preferences and skills of her neighbors, and the broader social context

she finds herself in. Thus, a single unit of political power does not affect each person's well-being equally; it may benefit some, harm some others, and have no effect on yet others. That is why an equal distribution of political power is not entailed by the moral-equality requirement. What is entailed by this requirement is that each person should have as much or as little power as she needs in order for her interests to be advanced to the same degree as everyone else's. Being treated as a moral equal requires that you have *enough* power, and enough could be a greater or lesser share than some of the people around you.

A term coined by Joseph Raz might be helpful here. Raz (1986) applies the label of *rhetorical egalitarianism* to positions or arguments which appear egalitarian – because they invoke the value of equality – but whose egalitarian tendencies are actually a by-product of the pursuit of some non-egalitarian value or principle.¹³⁶ I think many arguments for political egalitarianism are rhetorical in this sense. The cases invoked by political egalitarians are often cases in which an agent or group has (almost) no power. The most troubling aspect of these cases, from a moral point of view, is that the agent or group does not have nearly enough power. The fact that they also have an unequal share of power is, if anything, a secondary worry. I suspect that what bothers most people about the current, very unequal distribution of political power in our society is not the lack of equality per se; it is the fact that so many people do not have enough power. If that's right, then sufficiency rather than equality is the operative value.

¹³⁶ “Arguments and claims invoking equality but not relying on strictly egalitarian principles are rhetorical. This is not meant in a derogatory sense. It is simply that they are not claims designed to promote equality but rather to promote the cause of those who qualify under independently valid principles....[P]rinciples of equal respect or concern, etc., often amount to little more than an assertion that all human beings are moral subjects, to an assertion of humanism. Such principles can be expressed with equal ease without invoking equality. They are not designed to increase equality but to encourage recognition that the well-being of all human beings counts. If their resort to fashionable egalitarian formulations makes them more attractive, so much the better. The price we pay is in intellectual confusion since their egalitarian formulation is less perspicacious, i.e. less revealing of their true grounds, than some non-egalitarian formulations of the same principles: ‘Being human is in itself sufficient ground for respect’ is a more perspicacious rendering of ‘All humans are entitled to equal respect’.” (Raz 1986, p. 228).

This chapter has three sections. In the first, I make the case for adopting sufficiency rather than equality as the distributive ideal for political power. My argument, simply put, is that a sufficient distribution is better equipped than an equal one to treat all members of society as moral equals. In the next section, I spell out my sufficiency view in more detail, paying special attention to some of its non-traditional elements. In the final section, I consider some of the practical prescriptions that fall out of my view.

I.

Ronald Dworkin was one of the first to argue against political egalitarianism. In the fourth and final paper in his series on the concept of equality¹³⁷, he asks whether political equality is an attractive ideal. Dworkin argues that in a truly egalitarian society – i.e., a society committed to treating all its members with equal concern and respect – political power should not be distributed equally. The pursuit of political equality, he argues, leads to the neglect of other values. Political egalitarianism gives insufficient weight to the accuracy of our decisions, for example, because it focuses entirely on the process through which political decisions are made, ignoring the results of the process. Dworkin concludes that what really matters is not that each citizen have an equal share of political power but rather that each have enough to participate in the political arena as a moral agent:

Moral agency is possible for all citizens in politics only if each has an opportunity to make some difference...[T]his says nothing about *equality* of influence...The emphasis is on the opportunity for some influence—enough to make political effort something other than pointless—rather than on the opportunity to have the same influence as anyone else has. (2000, p. 203)

¹³⁷ Dworkin 1981a, 1981b, 1987a, and 1987b.

This statement suggests that sufficiency, not equality, is the ideal here.¹³⁸ Whereas the egalitarian says that everyone ought to have the same amount of power, the sufficientarian says that inequalities do not matter, so long as everyone has enough power.

Sufficiency is, by now, a familiar option in debates about how various goods should be distributed.¹³⁹ The canonical statement of sufficientarianism comes from Harry Frankfurt: “what is important from the point of view of morality is not that everyone should have the *same* but that each should have *enough*” (1987, p. 134). This is sufficientarianism in its most general form. Political sufficientarianism is simply this ideal applied to the distribution of political power: what is important from the point of view of morality is not that everyone should have the same amount of political power but that each should have enough political power.

I will now try to show that, as a distributive ideal for political power, sufficiency is more attractive than equality. The starting point of my argument is what we may call the fact of moral equality – the fact that everyone’s well-being is of equal and tremendous importance.¹⁴⁰

A few words on well-being, interests, and moral equality. I conceive of well-being in terms of interests. To say that your well-being is increased is to say that your interests are advanced. To say that your well-being is decreased is to say that your interests are frustrated.

¹³⁸ I say ‘suggests’ rather than ‘entails’ because Dworkin is not a political sufficientarian. He rejects any attempt to impose a distributive ideal on political power, on the grounds that it ignores the personal, moral significance of political agency. I address this worry in Chapter 5.

¹³⁹ Although the positions continue to be refined, most contributors to this debate end up defending equality, priority, or sufficiency. For defenses of equality, see Temkin (2003), Casal (2007), and Otsuka and Voorhoeve (2009). For defenses of priority, see Parfit (2002), Arneson (2006), and Holtug (2007). And for defenses of sufficiency, see Crisp (2003), Dorsey (2008), and Huseby (2010).

¹⁴⁰ Samuel Scheffler on the ideal of equality: “it asserts that all people are of equal worth and that there are some claims that people are entitled to make on one another simply by virtue of their status as persons. As a social ideal, it holds that a human society must be conceived of as a cooperative arrangement among equals, each of whom enjoys the same social standing. As a political ideal, it highlights the claims that citizens are entitled to make on one another by virtue of their status *as* citizens, without any need for a moralized accounting of the details of their particular circumstances” (2003, p. 22).

Two people are moral equals insofar as their interests ought to be advanced equally. Two people are treated as moral equals insofar as their interests are in fact advanced equally. And when I say that something is “in the agent’s interest,” I mean that it promotes one or more of the particular interests of the agent – e.g., his interest in autonomy.¹⁴¹ As much as possible, I will remain neutral on the question of what is in people’s interests, of what makes people’s lives go best. I do assume, however, that each person has an interest in at least one of the values at stake in the political arena (accuracy, autonomy, fairness, etc.). Thus, my argument for sufficientarianism is compatible with any account of well-being that has some objective component.¹⁴²

So the first premise of my argument comes to this: each person’s interests (whatever they may be) ought to be advanced to the same degree as everyone else’s. All people count the same.

What implications does this have for the distribution of political power? No one’s share of political power should prevent him or anyone else from being treated as a moral equal. The point of disagreement between myself and political egalitarians is whether having an equal share of power is a necessary part of being treated as a moral equal. I argue that it is not. If giving everyone an equal share of power is the only way for a particular society to advance everyone’s interests equally, then that society should adopt equality as its distributive ideal for political power. But, as we saw in the previous two chapters, an equal distribution of political power often would not lead to everyone’s interests being advanced equally. Since people differ both in

¹⁴¹ This formulation of something being in an agent’s interest comes from Joel Feinberg: “One’s interests, then, taken as a miscellaneous collection, consist of all those things in which one has a stake, whereas one’s interest in the singular, one’s personal interest or self-interest, consists in the harmonious advancement of all one’s interests in the plural. These interests, or perhaps more accurately, the things these interests are *in*, are distinguishable components of a person’s well-being: he flourishes or languishes as they flourish or languish. What promotes them is to his advantage or *in his interest*; what thwarts them is to his detriment or against *his interest*” (1984, p. 34). For other possible interpretations, see Feinberg 1984, pp. 38-45.

¹⁴² The view could be purely objective or a subjective/objective hybrid, such as Parfit’s “composite” view of well-being (1984, pp. 500-2).

interests and in ability to advance their own interests via the political process, an equal distribution of power will favor some people more than it does others.

To begin to see why a sufficient distribution of political power is better equipped than an equal one to meet the demands of moral equality, we need to think about the effects that the distribution of power has on various values at stake in the political arena – accuracy, autonomy, responsibility, fairness, solidarity, and economic productivity. Why focus on these values and not others (e.g., honesty, aesthetic beauty)? Partly because interests in these values are widespread. We all have an interest in some of them, and most of us have some interest in all of them. But the main reason I focus on these values is that our political institutions have a large effect on how well they are promoted. If we structure our institutions to distribute power in proportion to competence, for example, we would promote accuracy. If our institutions were designed to eliminate as many unearned (dis)advantages as possible, this would promote fairness. And so on down the list.

What does the fact of moral equality tell us about how much we should promote these values? It tells us that we should promote each value to whatever degree is necessary in order for everyone's interests to be advanced equally. Thus, the degree to which each value should be promoted in a given society depends on the interests of the people within that society. Different people have different interests, so the promotion of any of these values does not affect every person in the same way. One person's well-being is significantly increased by living in a fair society, for example, while someone else's well-being is unaffected by this. I may have a greater interest in responsibility than you do – i.e., my well-being would be benefitted more than yours if our society began to promote responsibility more than it has in the past. Or suppose that I have benefited from many unfair advantages in my life while you have suffered unfairly. Now

suppose that our society begins to take fairness more seriously; it shifts its institutions in order to make things more fair. This would increase your well-being while leaving me either worse off or the same as before.

What is the connection between the promotion of these values and the distribution of political power? The distribution of political power goes a long way toward determining how well or poorly these values are promoted. If one group is so powerful that it can ignore all others (because it does not need their cooperation to achieve its desired outcomes), this will obviously undermine the sense of solidarity among the groups. Or if some people are so politically powerful that they are insulated from the negative consequences of their actions, say, this frustrate the promotion of responsibility.

To be clear, I am not saying that these values matter simply because someone happens to have an interest in them. One reason they matter is that their promotion has an effect on people's well-being, but they matter for other reasons as well. So, for example, even if it turned out that no one in a particular society had any interest in fairness – no one's well-being was increased or decreased to any degree by (un)fairness – there may still be reason to promote fairness in that society. Thus, although I remain neutral on what is in fact in anyone's interests, I do not have to remain neutral on whether these values matter. I assume that they do matter. On a more practical level, this means it will usually be a good thing for a society to promote all of the values, regardless what the interests of its members happen to be.

The upshot is that different people need different amounts of political power in order to be treated as moral equals, in order for their interests to be advanced equally. Some people need more (or less) political power than others. Sufficiencyarianism can justify such inequalities: it says that everyone should have enough political power – i.e., whatever amount of political power

is necessary in order for the various values to be promoted the degree necessary in order for everyone's interests to be advanced equally. What counts as enough political power can vary, depending on the circumstances. Egalitarianism does not have this sort of flexibility. An equal distribution must be equal. Therefore, if treating everyone as moral equals is our ultimate goal, sufficiency is a more attractive distributive ideal for political power than equality is.

Now, insofar as I am neutral on the question of which values are indeed in people's interests, I am also neutral on the question of the degree to which any of these values should be promoted. This is not a problem for my overall argument. Because, as I will now argue, sufficientarianism is better equipped than egalitarianism to promote any of these values to the degree necessary in a particular society. Rarely does one value take precedence over all the others. Even those who take accuracy seriously, for instance, recognize that we must balance the need get the right answer with other demands.¹⁴³ Sometimes accuracy wins out, sometimes fairness does, sometimes something else; but they all matter somewhat.

What I want to show now is that each of these values individually is promoted at least as well under sufficientarianism as it is under egalitarianism, and that, when we consider the need to promote more than one of these values at the same time, sufficientarianism does better still.

We will begin by looking at each value separately and asking whether it would be better served by an equal or a sufficient distribution of political power.

Accuracy. We want our decisions to be accurate. A decision is accurate insofar as it is right (best, correct). The criterion for rightness varies from case to case. Suppose we are deciding

¹⁴³ A concern for accuracy to the exclusion of all other values leads to the view that only the wise should rule – an arrangement that Estlund labels “epistocracy.” This is essentially the view that Plato defends in *Republic*, Bk. IV. See also *Laches* 184e8-9 and *Gorgias* 463d1-465e1. Aristotle's view, though clearly epistocratic, is somewhat more moderate (see *Politics*, Bk. III).

which voting procedure to adopt in an upcoming election. In this case, the most accurate procedure would be the one that does the best job of conveying the genuine preferences of voters. But in the case of a Supreme Court decision, say, the criterion of accuracy may have nothing to do with the preferences of voters; it may be fidelity to the Constitution, or something else.

Unlike some who talk about the value of accuracy, I do not equate it with moral rightness or goodness.¹⁴⁴ On my account, a decision can be accurate and morally repugnant at the same time. Suppose we want to maximize economic efficiency. Suppose further that the best way to maximize economic efficiency is to violate some people's moral rights. If we chose to violate these rights and thereby maximized economic efficiency, our decision would be both immoral and accurate. Which is not to say that we cannot assess the accuracy of a decision in moral terms. If we are trying to distribute resources in a just way, for instance, the most accurate decision would be the one that comes closest to meeting the demands of justice – whatever those turn out to be. In short, although accuracy is not opposed to moral considerations, it is distinct from them.

It is often difficult to know whether a decision is accurate – since it is difficult to know, for instance, what (all of) the demands of justice are in a particular case. And many claims regarding accuracy will be controversial: there is much disagreement not only about moral issues but also about what policies promote economic efficiency and other non-moral values. But difficulty and controversy should not lead us to abandon the notion that our collective decisions can be more or less accurate: even if we cannot know or agree on which decisions are the most accurate, it still makes sense to say that some are in fact better than others along this dimension.

¹⁴⁴ Cf. Dworkin 2000, pp. 204-8.

Why think that a sufficient distribution of power could produce more accurate decisions than an equal one? Because, unlike egalitarianism, sufficientarianism can allow competence to play a role in the distribution of political power. By giving a greater-than-equal share of power to those who are better at making political decisions, our decisions will be more accurate than they would be if we gave everyone an equal share.

Autonomy. Recall the conception of autonomy I sketched above, according to which a person is autonomous insofar as he lives by his own lights. An autonomous agent is (to a significant degree) author of his own life and responsive to the reasons provided by his situation.

Concern for autonomy leads naturally to a sufficientarian distribution of political power. Ensuring that someone has enough power requires much less intrusion into her life than ensuring that she has the same amount of power as everyone else. As I argued at length in Chapter 2, maintaining an equal distribution of political power could involve interfering with someone's ability to live by her own lights. The tension between equality and autonomy often arises in cases involving people with more or less political skills than their neighbors. In the case of a highly skilled agent, we would have to place restrictions on her ability to speak publicly about political issues. In the case of a lowly skilled agent, the pursuit of political equality could require her to forgo certain valuable, non-political projects.

Responsibility. If we care about promoting the value of responsibility, then we must allow people to enjoy or suffer the consequences of their actions. There is more room to do this within sufficientarianism than there is within egalitarianism. Egalitarians can permit some inequalities in the distribution of power that arise from holding people responsible for their actions, but they

must mitigate such inequalities as much as possible. (They can permit inequalities in other spheres, of course, but only so long as these do not lead to significant inequalities of political power.) Sufficientarians need not worry about inequalities that result from decisions for which people are rightly held responsible, so long as these do not cause anyone to fall below the threshold of sufficiency. Thus, responsibility can play some role in political egalitarianism, but not as large of a role as it can in sufficientarianism.

Fairness. On the surface it may appear that an equal distribution of political power is more fair than a sufficient one. Assume that it is unfair for people to be advantaged in the sphere of political power because of factors that are arbitrary from a moral point of view.¹⁴⁵ Putting aside for now the question of what makes certain factors arbitrary from a moral point of view, it is safe to say that many of the ones that affect a person's location in the distribution of power fall into this category – physical attractiveness and inherited wealth, for instance. If everyone had the same amount of power, no one would gain an advantage from such factors. Therefore, it looks like fairness demands that political power be distributed equally.

I agree with this argument, up to a point. It is true that if we made no attempt to equalize the distribution of political power, it would be very unequal, and this would be (in some sense) unfair. But I worry that the conception of fairness upon which the above argument relies – it is unfair for someone to benefit from something that is arbitrary from a moral point of view – is too demanding. This conception of fairness is demanding because, on reflection, it is unclear which factors are *not* arbitrary in this sense. Even something as seemingly non-arbitrary as how much effort one puts into one's work is dependent on many factors that are just as arbitrary as the

¹⁴⁵ Cf. Rawls 1971, §§ 12, 17.

wealth of one's family – e.g., one's pain tolerance.¹⁴⁶ Two people doing the same activity may experience different amounts of pain, or, even if the pain-level is the same, it may bother one of them more than it does the other. Either of these differences could eventually affect how much effort each puts out.

Put more positively, my point is that some values (e.g., autonomy, responsibility) are not morally arbitrary. If one insists on eliminating or offsetting all arbitrary factors in the name of fairness, then one has to abandon most other values. Regardless whether that is a worthwhile tradeoff, it is one that few (if any) political egalitarians are willing to make it. If we accept the above demanding view of fairness, then almost every inequality in the distribution of political power is unfair. Yet even political egalitarians want to allow for inequalities from sources such as willingness to participate in the political process and quality of arguments. Suppose you could not care less about politics because you grew up in a family where politics was never discussed. Political egalitarians would probably concede that you should be allowed to have a less-than-equal share of power. But, according to the present conception of fairness, this would be unfair, since the fact that you were born into this family rather than a more politically active one is surely arbitrary from a moral point of view. Similarly, suppose that you have more political power than most of your neighbors because of your ability to give sound arguments. Surely this ability relies on many things that are arbitrary from a moral point of view, and, therefore, it would be unfair for you to be advantaged because of it. But even egalitarians want to allow for inequalities that result from some people offering better arguments than others. Hence, we need a more lenient conception of fairness.

¹⁴⁶ See Sher 2003.

And once we adopt a more lenient conception of fairness, it is not so clear what fairness calls for in the distribution of political power. More plausible conceptions of fairness – i.e., ones that permitted a person to gain some advantages from factors that are arbitrary from a moral point of view – would likely allow for some inequalities in the sphere of political power. Thus, it would be a mistake to assume that an equal distribution of power is more fair than a sufficient one.

Solidarity. Once again, it may seem obvious that an equal distribution of political power would best promote a sense of solidarity among the members of society.¹⁴⁷ Things are not so clear, however. An unequal distribution of political power certainly could undermine a community's sense of solidarity – if, say, everyone's sense of membership in the community were tied to having the same amount of political power as everyone else. But this is clearly not the case for all societies. The sense of solidarity within a community depends on many things besides how much power anyone has. It depends, for example, on the cultural traditions of the various groups that form the community and how well (or poorly) the traditions of one group mesh with those of others. The upshot is that the value of solidarity may be served by many different distributions of political power, including a sufficient distribution. We should not assume that solidarity is undermined by inequality.

Economic productivity. Each of us benefits from living in a society that not only produces many goods but produces them efficiently. One could argue that an economy would be more

¹⁴⁷ For a clear statement, and argument for the importance, of the value of solidarity (specifically, an “egalitarian ethos”) see G.A. Cohen 2008.

productive if everyone in it were political equals. Perhaps the idea is that everyone could produce more goods if they did not have to worry about their share of political power.

But, such arguments notwithstanding, I do not see any connection between political equality and economic productivity. What I can see is how an economy could perform much better under a sufficient distribution of power than it could under an equal distribution. Under a sufficient distribution, those who would be better off by spending their time and effort engaged in economic activity rather than political activity could do so. We would not have to worry about ensuring that everyone remained political equals despite their divergent pursuits.

What if I'm wrong about one or more of these values? What if one of them would fare better, perhaps much better, under an equal distribution of power than under a sufficient distribution? Suppose it turns out that an equal distribution of power is the best, perhaps only, way to achieve fairness. Does this conclusively tell in favor of political egalitarianism? Not unless the value of fairness trumps all others. And that is unlikely: there will almost always be several competing values that ought to be promoted simultaneously. Thus, even if some value(s) were better served by egalitarianism than by sufficientarianism, the case for the latter could still be quite strong.

So far we have looked only at the various values individually. I now want to consider what happens in cases where we need to promote multiple values alongside one another. This is an important test, since rarely (if ever) will a single value take precedence over all the others. Although the relative weight of each value will vary in different contexts, each one will have some weight in almost every context.

Suppose that, in order to promote autonomy, we must ensure that everyone has at least 10 units of political power. Suppose further that, in order to promote accuracy, we must ensure that

the most competent among us have as much as 40 units of power. Finally, suppose that, in order to promote economic productivity, some people – namely, those who are not economically productive – should be allowed to have as little as 10 units of political power. Depending on how much weight we assign to the remaining values (fairness, responsibility, etc.), the members of this society would best served by a distribution of power that went from 10 units at the bottom to 40 at the top. An equal distribution of power – whether it was at 10, 20, 30, or some other level – would leave many of these people worse off than they would under a sufficient distribution.¹⁴⁸

We could consider countless examples of this sort, but my point should be clear enough by now. If concern for each value individually calls for some inequalities in the distribution of political power, a concern for all the values will often call for even greater inequalities in that sphere. Sufficiency can accommodate this fact; egalitarianism cannot. Thus, once again, if we take seriously the need to promote the values of autonomy, fairness, etc., the most attractive distributive ideal for political power is sufficiency.

One might worry that there is a problem lurking here. The problem is that my view can yield inconsistent demands. I say that we should distribute political power so that each value is promoted to the necessary degree. But suppose that the promotion of autonomy requires that everyone have at least 30 units of power, while the promotion of accuracy requires that some have less than 20 units. We cannot fulfill both of these requirements: it is impossible for

¹⁴⁸ Do not be misled by the apparent precision of these numbers. As will become clear in the next section, I doubt that we can make very precise judgments about the location of sufficiency thresholds. On my view, there is a single sufficiency threshold for every individual – it is the amount of political power that he should have. This threshold depends on many factors: the strength of his interests in various values; his skills; the strength of his neighbors' interests in various values; his neighbors' skills; the structure of the political institutions of his society; the groups of which he is a member; and so on. We rarely have access to all of the relevant information for any individual, and, to make things even messier, these factors are not static (people change, as do their circumstances). So, in practice, we will usually be able to do no better than judgments such as, "A should have somewhat more power than B."

everyone to have at least 30 units of power at the same time that some have less than 20. And things may get even worse as we bring in additional values. Suppose that the promotion of fairness requires that everyone have the exact same amount of power, and that the promotion of responsibility requires that some have much more power than others. In short, we may be morally obligated to do the impossible. This seems to be a serious problem for my view because it seems to violate the principle of ‘ought’ implies ‘can’.

My response to this worry has two parts. First, the sort of cases just described are quite rare. Second, in cases where it is indeed impossible to meet our moral obligations in the sphere of political power, my view does not say that we are, all things considered, morally obligated to do the impossible. My view says that we should compensate the people whose interests are frustrated as a result of a lack of political power. Let us look at each part of this response in more detail, beginning with the first.

The need to promote different values generates conflicting requirements only if all the values in question are of roughly the same importance. There is no problem if one of the values is much more important than the others: we resolve the conflict by giving priority to the requirements of the more important value. Things are really simple if some values have lexical priority over others. In that case, the demands of the most important value must be fully met before we even begin worrying about the demands of the next most important value, and so on down the priority ranking. But I think it is implausible to give lexical priority to any of these values. Even if we think that fairness, say, is the most important value, surely there is some cost in terms of autonomy (or accuracy, or responsibility, or whatever) that is too high to pay for the sake of greater fairness. So, let us put the lexical-priority option to the side.

Fortunately, we do not have to give lexical priority to any value(s) in order to resolve many of the potential conflicts. If fairness is significantly, though not lexically, more important than responsibility, the fact that the demands of fairness conflict with those of responsibility is not too troubling. We need not ignore completely the demands of responsibility, but we balance them against the demands of fairness only in extreme cases. This obviously leads to the question of the relative ranking of the values. Which is the most important, the second most important, and so on? I have no answer to that question at this point. I believe there is an answer, but discovering it is beyond the scope of this dissertation.

The upshot is that I cannot give very specific prescriptions for how political power should be distributed in the real world. What I can do, however, is give prescriptions of this form: *if* the values are ranked like this, then people's shares of political power should fall within this range; and *if* the values are ranked like that, then people's shares of political power should fall within that range. Consider a couple of possible rankings. Suppose that autonomy is by far the most important value; it has significant, though not lexical, priority over all the others. In that case, every individual and group should have quite a bit of political power, except when this would undermine completely our efforts to promote some other value(s). Now suppose that responsibility is by far the most important value. In that case, some people should be allowed to have little power while others have a lot; but, out of concern for other values, we should set a floor and a ceiling. Of course, as the relative weights of several values converge, these prescriptions get more complicated.

Which brings us to the second part of my response to the worry about conflicting requirements. Suppose that autonomy and accuracy are equally important, and that autonomy points toward everyone having at least 30 units of power while accuracy points toward some

having less than 20 units. The best we can do here is to come as close as we can to promoting the relevant values to the necessary degree. This may mean splitting the difference – i.e., giving everyone roughly 25 units of power. Or it could mean using some complicated function that takes into account not only the interaction of the conflicting values but also all the other values, as well as facts about the broader social context: we give some people as much as 28 and other people as little as 22, depending on how all the factors (the other values and the broader context) interact. Either way, we are not satisfying the demands of autonomy or fairness fully, but we are satisfying them to the greatest extent possible.

In such cases – i.e., when we cannot meet the standard of sufficiency for everyone in the sphere of political power – we should compensate those people whose interests are insufficiently advanced. Remember: the ultimate demand is to advance everyone's interests equally. By focusing on the distribution of political power, we have been assuming, in effect, that the distribution of political power is the only thing that affects how well or poorly people's interests are advanced. Discarding that assumption opens up the possibility of compensation. We can compensate someone for his or her lack of political power. Those people who do not have enough political power are harmed insofar as their interests are not advanced to the same degree as everyone else's. So we give them other benefits (goods other than political power) as a way of recognizing and offsetting that harm. Whatever interests are frustrated by someone's lack of political power should be advanced in some other way. If someone's share of power is too small to advance his interest in autonomy to the necessary degree, for example, we may exempt him from certain public service requirements (e.g., jury duty or draft registration). This would at least lessen the harm of not reaching his sufficiency threshold for political power. Compensating people in this way is possible because having sufficient political power is only one aspect of

being treated as a moral equal. One's interests can be advanced or frustrated by things other than one's share of political power. Not being subject to compulsory military service can do just as much (if not more) to advance one's interest in autonomy as having more influence on the political outcomes in one's community can.

My main argument for sufficientarianism is now complete. Here is a summary:

1. Everyone should be treated as a moral equal – i.e., everyone's interests should be advanced to the same degree.
2. Everyone has an interest in – everyone's well-being is affected by – one or more of the following values being promoted: accuracy, autonomy, responsibility, fairness, solidarity, and economic efficiency.
3. Therefore, these values should be promoted to the degree necessary to advance everyone's interests equally.
4. How well these values are promoted depends on how political power is distributed.
5. Therefore, political power should be distributed in a way that allows the above values to be promoted to the degree necessary to advance everyone's interests equally.
6. The distribution of political power that would allow each of these values to be advanced to the necessary degree will rarely (if ever) be an equal one.
7. Therefore, political power should be distributed in accordance with a principle of sufficiency, not equality.

In other words, there is nothing wrong with some having more power than others, so long as everyone has enough. Sometimes only an equal share is enough; sometimes a less-than-equal share is enough; and sometimes only a greater-than-equal share is enough.

Note well: Political power does not directly serve the interests of the person who has it. Your having more political power does not necessarily lead to your interests being advanced to a greater degree. The relationship between political power and the advancement of an individual's interests is not direct but *mediated* – mediated by social institutions. This is my fundamental

point of departure from traditional discussions of political power and interests – including, but not limited to, those of the political egalitarians we discussed in previous chapters.

The reason that institutions play this mediating role is that they have a large effect on how well the above values are promoted. Autonomy is promoted by having a written constitution that includes a bill of rights, for example. Given the fact of moral equality, institutions should advance everyone's interests to the same degree.¹⁴⁹ Thus, institutions should be structured so as to promote each value to whatever degree is necessary in order to advance everyone's interests to the same degree.

As should be clear by now, political sufficientarianism is not an inherently conservative view. Even if achieving a sufficient distribution of political power would not require as radical a transformation of ourselves and our institutions as achieving an equal distribution would, the transformation would be radical nonetheless. As a sufficientarian, I strongly support trying to eliminate many of the inequalities that trouble political egalitarians. I think the distribution of political power in our society ought to be much more equal than it currently is. Where I part ways with the political egalitarian is on the reason why the present inequalities are troubling and on the extent to which they must be eliminated. For the sufficientarian, the troubling thing about the present inequalities is not the inequality itself but rather the fact that so many people do not have enough political power. Unfortunately, we are still a long way away from achieving either equality or sufficiency in this area. And, given the way individuals and society are currently

¹⁴⁹ This is common ground with political egalitarians. Take Brighouse, for instance: "[I]n modern societies we regularly interact in morally important ways with strangers; this is, with the many of whom we know nothing and for whom we do not (and perhaps cannot) care, but whom we are obliged to treat equally, at least because our behavior affects them (and their behavior affects us) through social cooperation. We have no reason to think they are any more or less valuable than each other or ourselves or our friends. Thus, ... through our common social institutions we have an obligation to treat strangers equally and to treat our friends in the same way as others through those institutions. We should seek institutions that facilitate our equal treatment of one another" (1996, p. 124).

structured, it is probably impossible to bring the distribution of political power into conformity with either ideal in the foreseeable future.

II.

Now that we're clear on why sufficiency is preferable to equality, we can consider the details of my political sufficientarianism.

I should begin by explaining how my view differs from most sufficientarian views. On my view, your sufficiency threshold is the amount of political power you ought to have. You should not have any less or any more. On standard sufficientarian views, it is not possible for someone to have too much of the good in question. I claim that it is possible for someone to have too much political power. It is possible because political power is a competitive good: how powerful you are depends on how powerful the people around you are. Saying that someone does not have enough power is just another way of saying that someone else has too much. Since I claim that there is an optimum – right or correct – amount of political power for each individual, a better label for my view might be an *optimum level* view.

Nevertheless, I do not think it is too misleading to call my view sufficientarianism, for a few of reasons. First, talk of an “optimum level” implies more precision than is warranted. It will often be difficult, if not impossible, to know precisely how much power someone should have. It is easier to make judgments of the form “she probably does not have enough” or “he clearly has too much.” Second, I accept the central sufficientarian thesis – “what is important from the point of view of morality is not that everyone should have the *same* but that each should have *enough*” (Frankfurt 1987, p. 134). Put most simply, my view is that everyone should have

enough power to ensure that everyone's interests are advanced equally. Third, the sufficiency label is helpful for locating my view within the larger equality/priority/sufficiency debate. Even if it is not a traditional sufficientarian view, it is much closer to sufficientarianism than it is to egalitarianism or prioritarianism.

As with any version of sufficientarianism, the most important issue is the location of the threshold. How much is enough? I claim that everyone should have whatever amount of political power allows everyone's interests to be advanced equally. So far, so good. The hard part is figuring out how much power a particular individual ought to have. What makes it so hard is that the moral-equality requirement makes different demands in different contexts. People's interests are not uniform within a society, much less between members of different societies. We may be members of the same society, but our needs, preferences, and skills may be very different. And the cultural, historical, and economic forces that affect people's interests vary widely from society to society. Suppose I am a twenty-something white American male and you are a seventy-something black South African female. We probably share some interests – we both need a good deal of autonomy, say – but that could be where the similarities end. My well-being will be affected in a different way, and to a different degree, if my society began to promote solidarity than your well-being would be if your society began to do the same. Thus, insofar as interests are context-sensitive, sufficiency thresholds must be context-sensitive as well. And, don't forget, things are further complicated by the fact that political power is a competitive good: since how much power you have depends on how much power the people around you have, how much power you *ought* to have also depends on how much power those people have. What all of this means is that thresholds will vary not only from society to society but from person to person.

How much power an individual ought to have depends on his context in at least three ways. First of all, it depends on the interests of the people around him – i.e., what role the values of accuracy, autonomy, fairness, etc. play in his neighbors' well-being. This is because the moral-equality requirement applies to everyone, not just to the individual in question. His share of power must be compatible with everyone else's interests, as well as his own, being advanced equally. Secondly, an individual's threshold depends on the institutions in place in his society. The more effective these institutions are at advancing everyone's interests, the less power each individual needs to advance his own interests. Thirdly, an individual's threshold is affected by the presence (or absence) of like-minded people around him. These are people with whom he could work to advance his interests. The more people who are willing and able to advance their own and others' interests, the less power each individual needs.

So there is an element of relativism in my view, but only a small one. The fundamental commitment is the same everywhere: distribute political power in a way that allows us to treat all members of society as moral equals, to advance everyone's interests equally. The relativism comes in because people's interests vary. The same value may matter more in one place than it does in another. It matters more if it plays a larger role in people's well-being; for example, promoting the value of fairness may improve the well-being of one group of people more than that of another group. And the distribution of power that best promotes each of the values in question may vary from society to society. Consider autonomy. In some societies, autonomy may require a (relatively) equal distribution of power; in others, it may require only that no one have an absolute lock on power. In a representative republic, it would be a significant setback to ordinary citizens' interests in autonomy if they had no say in who their next head of state will be. In a hereditary monarchy, however, depriving people of a say on this matter may not frustrate

their interests at all. It is not that the people in the former society have stronger interests in autonomy than the people in the latter; it is that the circumstances needed to protect people's interests in autonomy vary from place to place.

My view is not completely relativistic because I claim that the moral-equality requirement has the same force everywhere. Different values may be more important some places than they are in others, but all people are equally important and should be treated accordingly. Treating everyone as moral equals will take different forms in different contexts, but the fact that we are morally required to do so is constant.

One more note before we discuss the location of thresholds. The thresholds apply to individuals, not groups. They tell us how much power a particular individual should have. Now, to be clear, I will not try to give an algorithm for determining what any individual's share of power should be.¹⁵⁰ I will try merely to show which considerations are relevant to determining what an individual's share of power should be – i.e., how much political power is enough for him.

What can we say about the location of thresholds? Is there a minimum threshold, a level below which no one should fall?¹⁵¹ In rare cases, someone should be allowed to have no power. (A hermit in the mountains of Montana may not need any political power to advance his interests.) But although it is a theoretical possibility that an individual should have absolutely no

¹⁵⁰ I do not deny that such an algorithm is possible; indeed, on my theory, it must be possible. But there are so many practical barriers – epistemic limitations, dynamic interests, etc. – to realizing this possibility that we can put that project aside for now.

¹⁵¹ In what follows, I use 'minimum threshold' to refer to the amount of power that no one in a particular society should have less than and 'maximum threshold' to refer to the amount no one should have more than. The minimum is a floor, the maximum a cap. Each person has only one sufficiency threshold: there is single level of power where she has enough, but not too much. Suppose the minimum threshold in some society is 5 units of power and the maximum threshold is 100 units. Each individual member's threshold will fall somewhere between those levels – A should have 25 units, B 40 units, C 65 units, and so on.

power, there will almost always be pragmatic reasons to not allow this to happen.¹⁵² Even if there are cases in which someone should have little or no power, we should be very careful, in practice, to not arrive at that conclusion too quickly. We could be mistaken, and we may not realize this till after the fact. Given that the stakes are so high – we are talking about allowing someone to have no ability to influence our collective decisions – and that the potential damage could be so difficult to undo, the prudent option will almost always be to ensure that every agent has at least some power.

For most people, in most circumstances, they should have at least enough power to advance their interests to some degree. Each of us is entitled to this much power because we are rational agents of equal moral worth – in the sense that each of us has a life of our own to lead, and every person's life is as important as every other's. It is probably too much to expect an individual to have enough power to single-handedly advance his interests in the political arena. Few (if any) political agents have ever had that much power. Fortunately, we need not act as isolated individuals in our efforts to advance our interests. Social institutions and other like-minded people do a lot of the heavy lifting here. We are able to advance our own interests because we are acting within a pre-existing institutional framework and because we are acting alongside other people trying to advance their own interests.

So, regarding the minimum threshold, we can say that each individual ought to have enough power so that, with the help of various social institutions, he can either (i) advance his interests himself or (ii) be a member of a group that advances all of its members' interests.

¹⁵² My model here is Raz's "Disagreement in Politics" (1998). At the end of the article, after he has argued at length against the view that agreement is a necessary condition of legitimacy, Raz lists several reasons for exercising restraint in the face of disagreement. He notes that serious disagreement can undermine stability, for example, and that a lack of agreement should lead us to reconsider the possibility that our beliefs are mistaken. Agreement may not be as important as it is traditionally thought to be, but that does not mean that we should not try to achieve agreement whenever possible or ignore the views of people who disagree with us.

Why do we need the second disjunct? Because we do not want to say that virtually every individual falls below her threshold of sufficiency simply because she does not have enough power, acting alone, to advance her own interests in the political arena. We want to say that she may have enough power, despite the fact that she needs the help of other people whose interests line up with her own. (We are all members of countless groups, of course. What is the criterion of group membership in this context? Which groups are relevant to one's threshold? The groups in which you share at least one interest with all other group members.¹⁵³)

To sum up: the minimum threshold is the amount of power that one needs in order to either advance one's own interests to some degree (with the help of social institutions) or be a member of a group that is able to advance the interests of each of its members to some degree (with the help of social institutions).

The minimum threshold applies to everyone, no matter what interests they or their neighbors have. If you fall below the minimum threshold of political power, political participation seems pointless. You eventually recognize that your actions have no effect, and you begin to see politics as an interplay of forces entirely beyond your control, rather than as a collective enterprise in which you have a meaningful role to play.

The location of this threshold – where the floor is, in terms of units of power – is not the same for all times and places. It will vary along with the traditions and current conditions of a particular society. Societies differ not only in that they are composed of different individuals but

¹⁵³ Cf. Goldman 1972, pp. 173-5.

also in that each society has a unique history, culture, and economy.¹⁵⁴ (Has governmental power traditionally been centralized in a national government or dispersed among more local bodies? How much power does the most powerful person now have?) The location of the minimum threshold will not vary too much, however. One reason for this is that the threshold is so low to begin with. We are talking about the amount of power necessary for an individual's interests to be advanced to some degree. Not the amount of power that the individual would need in order to single-handedly advance some or all of her interests, but rather the amount of power she needs in order to advance those interests either on her own or with the help of others, working within a set of social institutions designed to facilitate this.

Now, one might worry that, even at this level, the minimum threshold is too demanding. One might worry that most of us fall below this level most of the time. But this worry is misguided. It is true that, from one perspective, most of us have very little power – just think of how little influence an individual voter has on the outcome of an election. A single ballot is

¹⁵⁴ Raz on the moral significance of a society's history: "Other things being equal, we have reason to respect historically set boundaries. From a normative standpoint, historical settlements are often acknowledged as mere *modi vivendi*, belittling them both for being unstable and liable to be easily unsettled, and because they are unprincipled, based on might not on right. Therefore, while they may represent the best compromise available for a time, they are not true 'solutions' to the problem.... The stability of historical settlements is contingent and varies a good deal over time, but the claim that they lack stability because they are unprincipled and not morally based in misguided.... [A]t the most abstract level morality provides roughly defined parameters such that what falls outside them is unjust or immoral, and what falls within them is just or moral. Many different arrangements fall within them, and morality provides that if the institutions and procedures in place in our society conform with the abstract principles then they are binding and flouting them is unjust, even though it may involve conduct that in another time and place, where other institutions and procedures prevail, may have been unacceptable, or even obligatory" (1998, pp. 48-9).

almost never decisive.¹⁵⁵ But voting is only one way in which we can influence politics. There are countless others: joining and/or contributing to political organizations, arguing with your neighbors, running for office yourself, etc. Once we recognize that most of us have the ability to do many of these things, it is clear that most of us are more powerful than we appear. (This does not entail that most of us are as powerful as we should be, of course. Keep in mind that the threshold I am talking about here is the minimum threshold – the amount of power that no one, under any circumstances, should fall below. The minimum threshold is the sufficiency threshold for very few people.)

Let us now shift our focus from the level that no one should fall below to the reasons why most of us should be well above this level. There is nothing surprising here. The justification of one's proper share of power will involve the same values we have been dealing with in this and the previous section. How much power one should have – how far above the minimum one should be – is a function of several factors: one's own interests and skills, the interests and skills of one's neighbors, and the social institutions among which one lives. To see how these factors interact, we will imagine three very different societies and consider how political power should be distributed in each. We will see the impact that different configurations of skills and interests have on how much each value should be promoted so that everyone's interests are advanced equally. Admittedly, these are simplified examples. In the real world, it will very difficult to get

¹⁵⁵ This is especially true in presidential elections, where “the probability that your vote is decisive is equal to the probability that your state is necessary for an electoral college win, times the probability the vote in your state is tied, conditional on your state being necessary” (Gelman et al. 2010, p. 1). According to Gelman et al., the average voter in a U.S. presidential election has about a 1 in 60 million chance of determining the outcome. (See also Edlin et al. 2007, pp. 308-9, and Brennan 2011a, pp. 18-20, and 2011b, pp. 709-10. The classic statement of the argument that voting is irrational because of the vanishingly small probability that any one vote will make a difference comes from Anothony Downs (1957, Ch. 14).

all the relevant information. I am just trying to give a sense what determines the location of the sufficiency threshold for different people in different contexts.

Note well: I do not take a stand on how important the various values are. I do not hold that autonomy is more important than fairness, for example, or that solidarity is more important than accuracy. My aim is not to show that any particular configuration of values is the right one; rather, it is to show the implications for the distribution of political power *if* the values were configured in a particular way. We will look at different possible configurations of values and try to figure out how political power should be distributed if this or that configuration were in fact the actual one.

In the first society, skills are uniform but interests are not. Everyone is equally skilled on all the relevant dimensions – moral competence, rhetoric, etc. But half the people share one constellation of interests (they have strong interests in their society's collective decisions being as accurate as possible and weak interests in the rest of the values), while the other half of the people share another (they have strong interests in fairness and weak interests in the rest of the values). The interests of the first half of the population are advanced by the promotion of accuracy, and the interests of the second half of the population are advanced by the promotion of fairness. On my view, political power should be distributed equally in such a society. Why? Because the interests of the people place accuracy and fairness above all other values. And in a society where everyone is equally skilled, the values of accuracy and fairness both point toward everyone having the same share of power.¹⁵⁶ An equal distribution of power would both lead to

¹⁵⁶ If everyone were equally good at decision-making, wouldn't the decisions be equally accurate no matter how political power were distributed? Not necessarily, because even though everyone is equally skilled, they are not all the same person. They have the same skill level, not the same skills.

the most accurate decisions and be the most fair. For the sake of comparison, let's say that everybody in this society should have 50 units of power.

In the second society, interests are uniform but skills are not. Everyone's interests are advanced much more by the promotion of accuracy than by the promotion of any other value. But everyone is not equally competent: some ("the few") are highly competent; the rest of the people ("the many") are minimally competent. In this society, the few should have more political power than the many. Each individual member of the few should have more power than any member of the many. Why? Because everyone's interest in accuracy points to allocating power in proportion to competence: giving more power to the more competent will produce the best decisions, which will make everyone better off. How much more powerful than the many the few should be depends on how much more competent the few are than the many, and how much more important the value of accuracy is than the rest of the values. But, importantly, the many should still have a significant amount of power – after all, they are not totally incompetent. Suppose the minimum threshold in this society is 20 units of power, the maximum 85. The average member of the few should have between 60 and 70 units of power, and the average member of the many should have between 30 and 40 units. There will be variation in the precise location of individual thresholds even within the few and the many, of course. The most competent and the most politically active member of the few should have more than any other individual member (between 75 and 85, say), while the least competent and active member of the many should have less than the others (between 20 and 30, say).¹⁵⁷

¹⁵⁷ Why not give all the power to the most competent individual or group within the few? Because, above a certain level, epistemic factors other than competence are most important. As long as everyone is pretty highly competent, we gain more in accuracy from having multiple perspectives than we do by distributing power strictly in proportion to competence.

In the third society, neither interests nor skills are uniform. Autonomy matters most to some people, accuracy matters most to others, and so on for all the other values. Likewise with competence: some people are highly competent; others are not. As in the previous society, political power should not be distributed equally here. This does not tell us much about how power *should* be distributed. But we can say a few things: that those whose interests would not be advanced by political engagement should be allowed to have less political power than their neighbors who would benefit from political engagement; that those who are highly competent should have greater-than-equal shares of power because this will increase the quality of society's collective decisions; and that those with a strong interest in autonomy should be allowed to have a less-than-equal share of power if they so choose. Consider two individuals: Joe and Kim. The only difference between them is how much the promotion of solidarity affects their well-being. Solidarity plays no role in Joe's well-being. (He has no contact with his neighbors, so he has no stake in how strong the feelings of solidarity are among them.) Kim's well-being, by contrast, is increased significantly by the promotion of solidarity. (As a community organizer, she has a large stake in the sense of solidarity among her neighbors.) If Kim had more power, she would work to increase the sense of solidarity in this society, thereby advancing the interests of everyone who had some interest in solidarity. Therefore, if enough other people have an interest in solidarity and increasing solidarity does not come at the cost of undermining any other important value, Kim ought to have more power than Joe.

Before moving on, a brief recap. How much political power a person ought to have – his sufficiency threshold – depends on several factors: 1) the interests of the individual himself (specifically, how his well-being is affected by the promotion/frustration of the various values at stake in the political arena); 2) the interests of the people around him; 3) the skills of the

individual (how knowledgeable he is about which outcomes are best, and how effective he is at achieving the outcomes he is aiming at); 4) the skills of the other members of society; and 5) the effect that the social institutions in place have on everyone's interests.

There are still many gaps in the theory that need to be filled in. For instance, is the threshold narrow or broad? This question arises in the context of trying to find a threshold that is neither too high nor too low.¹⁵⁸ The worry is that no single threshold can have the moral significance that sufficientarians attribute to it without being either unreachably high or trivially low. If it is high enough so that no one who meets it needs any more power, then it must be very high – so high, in fact, that very few people could ever reach it. And if we lower the threshold to a point where more people could actually reach it, then the claim that no one should have any more than that seems implausible.

I think the best response to this worry is to adopt a broad, rather than narrow, threshold.¹⁵⁹ Rather than say that someone ought to have 20 units of power, for example, we should say that she ought to have between 10 and 30 units. This would reduce the worry about placing too much significance on the threshold because it lets the sufficientarian avoid saying

¹⁵⁸ Paula Casal argues that this difficulty is insurmountable: “The suspicion arises...that sufficientarianism maintains its plausibility by remaining vague about the critical threshold and that once we ask whether the threshold is high or low, its plausibility plummets” (2007, p. 316). And: “It is...unsurprising that sufficientarians should find great difficulty in defining a threshold. Conversely, it is surprising that they attach such importance to a threshold when they are so uncertain about its location. The sufficientarians' indifference to what happens to those who are sure to remain above, and perhaps even below, their mysterious line contrasts rather unappealingly with their single-minded obsession with crossing the threshold. How could it be so important for individuals to reach such a threshold as to warrant enormous opportunity costs for others yet unimportant how far above the line they are when deciding how much to benefit them further? A threshold cannot be so low and so high at the same time. In sum, it seems unlikely that a single threshold, high or low, could lend plausibility to *all* the sufficientarians' claims” (ibid.). Richard Arneson expresses similar doubts (2006, pp. 27-8).

¹⁵⁹ Another way to avoid this difficulty is to opt for multiple thresholds rather than one. But I do not like the multiple-thresholds move. Not only is this move blatantly *ad hoc*, it forces us to answer many difficult questions. (How much priority should we give to lifting someone above the lower threshold(s) as opposed to the higher one(s)? What about people who are in between two thresholds? Are each of these thresholds narrow or broad?)

things like, “This person should have exactly three more units of power than she does now – not two, not four, *three*,” and instead say things like, “This person should have significantly more power than she does now, but not so much as to be able to strong-arm her neighbors.” To be sure, this would only reduce the worry, not remove it. No matter how broad we make the threshold, there will always be borderline cases – people who fall just above or below the threshold.

Next, we must choose our primary units of concern. Do thresholds apply to an individual’s entire life or episodes within a life? Should we care only about how much power you had over the course of your life, or about how much power you have at various points along the way? Although many¹⁶⁰ have argued that entire lives are the proper unit of concern in other contexts, I think we should reject the entire-lives approach in the context of political power. As one’s circumstances change over time, so will the amount of power one needs in order to be treated as a person of equal moral worth. Someone might completely ignore politics in his twenties but be very politically active by the time he reaches forty. Thus, it makes sense to focus on how much power one has at particular times, rather than across one’s entire life. On the entire-lives approach, how much power you have at any time only matters insofar as it affects your overall total or average. This is counter-intuitive because your interests at every point of your life are equally important. Being an absolute dictator for six months would not offset the badness of being a slave for decades.

Another remaining gap in the theory is an account of what role (if any) group membership should play in the distribution of political power. Each individual belongs to many

¹⁶⁰ Rawls (1971), Parfit (2002, pp. 101-3), Nagel (1991, p. 69), Anderson (1999, p. 319), and Arneson (2006, p. 24) favor the entire-lives approach in various contexts. For some worries about this approach, see McKerlie (1989).

different groups.¹⁶¹ The groups could be anything from a lobbying firm to a demographic category (e.g., Baby Boomers). This raises many questions. Is the collective power of a group simply the sum of the power held by each of its members? What are the relevant differences between well-organized, hierarchical groups such as corporations and informal, unorganized groups defined in terms of demographic categories? Should members of certain minority groups have more power per individual than members of other groups? Should an American Indian, for example, be entitled to more power than he otherwise would be simply because he is a member of a community that historically has been deprived of a sufficient share of power? Or is he entitled to some extra power so that he can prevent his group from being entirely swamped by all others?

To answer such questions about group power, we need to better understand the relationship between group power and individual power. Much talk of group power is actually talk of individual power in disguise. As Peter Morriss notes:

When we consider the power of (say) a racial minority within this country we are sometimes, it is true, discussing the power of this group *as a group*, but perhaps more often we are comparing the power of a (typical) individual who is a member of this group with the power of a (typical) individual who is a member of some other group, or an individual in some way typical of the general society. Or again, women often complain about their inability to walk about unmolested at night. But that does not mean that women *as a group* cannot walk unmolested: it means, specifically, that a woman *on her own* cannot do this. But this lack of individual power occurs because the person is a member of a group, and we can say that this group is discriminated against (or, at the least, able to do less than another group – in this case, men). Or, in class terms, a group can be said to lack power because the life-chances open to an average member of that group are less than the life-chances open to an average member of society as a whole. Saying that it is the *group* that lacks power is simply a shorthand (sometimes a confusing one) for saying that individual power is distributed along group lines. (2002, pp. 112-3)

¹⁶¹ Both Anderson (2007, p. 599) and Sen (2009, pp. 246-7) make this point.

In other words, we often do not care about group power as such, but rather about the power of individual members of a group. But this does not mean that all talk of group power is just shorthand for talk of individual power. Sometimes we are interested in group power as such; we want to know why some lobbying group has so much influence in Washington, D.C., for instance. And that is why it is worth getting clear on what group power is.

The first thing to notice is that if we want to know how powerful a particular group is, we cannot simply add up the power of all the individual members of the group. This is because groups have certain properties that no individual does – organization and cooperation.¹⁶² How much power a group has is a function not only of how much power its individual members have but also of how well they work together.¹⁶³ We measure a group's power by determining what (if anything) would happen if all of its members worked together to achieve some outcome. A very small group can be powerful if it is well organized, and, on the flip side, some very large groups

¹⁶² “In collective action toward a common goal, coordination is usually required in the selection of mutually supportive sequences of acts. For me to choose an appropriate sequence I may have to know what other members of the group are going to do; and similarly for each of them.... It is (partly) the need for coordination...that makes the degree of organization or structural delineation of a group contribute to its power. An established pattern of division of labor facilitates the mutual selection of appropriate courses of action. The political power of lobbies and pressure groups, as opposed to that of random collections of individuals...is partly a function of this factor” (Goldman 1972, p. 171).

¹⁶³ Alvin Goldman offers the following two examples: “Suppose that a small group of bandits are holding up a train containing a large number of passengers.... Suppose that the bandits ‘have the drop’ on the passengers, but that there is a set of sequences of acts, a sequence for each passenger, such that if they performed these sequences of acts, they would disarm the bandits (with no harm to themselves) and foil the robbery. Assume further that each passenger knows which acts would be the most appropriate ones for him to perform as a means to foiling the robbery. This is not enough to ensure that all would perform these acts if all wanted the robbery to be foiled. The rub, of course, is that each passenger has little reason to believe (indeed, has strong reason to disbelieve) that enough other passengers will do their part. Since, for each passenger, it would be very costly if he did part (e.g., started to disarm the bandit nearest him) while few others did theirs, each passenger would refrain from doing these acts, and the robbery would succeed. A similar problem arises in assessing the power of a large group of slaves over a small group of masters. If all the slaves acted in unison, they would overwhelm their masters. But it does not follow that they have much (or any) collective power over their masters. Like the train passengers, the problem for the slaves is that each is insufficiently confident that rebellious action on his part would be supported by others” (1972, p. 172). For a helpful discussion of the relationship between individual power and group power, see Goldman 1972, pp. 168-75.

have virtually no power. A five-person group lobbying for a specific piece of legislation could be more powerful, due to its high level of organization, than the millions of people between the ages of 18 and 25.

What follows about the distribution of political power? On my account, the power of groups matters only insofar as it affects the power of individuals. How much power a particular group ought to have depends on how much power individuals inside and outside the group ought to have. The only reason to think that a particular group has too little or too much power is that some individual has too much or too little power. Hence, with perhaps a few exceptions (e.g., neo-Nazis and terrorists¹⁶⁴), every group should have at least enough power to advance its members' interests to the same degree as everyone else's, but not so much power that other people's interests are neglected.

In the case of small groups, the only way to achieve this may be to give the individual members more power than members of larger groups. The number of people who share some of the individual's interests – namely, those interests that are related to his membership in the group – is relatively small. This means that members of small groups, even if they work well together, are at greater risk of having their interests neglected by the larger group. We can increase the power of a group by making it more organized – i.e., by making its members work better together. Beyond that, however, the only way to affect the power of a group is to affect the individual power of (some of) its members. Thus, in many cases, a member of a small minority group should have proportionally more power than an individual member of larger groups because this is necessary to advance his interests equally.

¹⁶⁴ Why should the interests of these groups not be protected the same as everyone else's? Because doing so would be too risky in terms of other people's interests. If allowed to be autonomous, for example, these groups would seek to do serious harm to other groups.

Although we will return to questions involving group power below, I want to make it clear at this point that there is a limit to how much more power individual members of small groups should have. No matter how small the group, no individual should have a near-total lock on power. His share of power must be consistent with the interests of everyone else being advanced equally.

In this section, I have sketched what a sufficientarian approach to the distribution of political power would look like. On any sufficientarian view, the main objective is to get as many people as possible to their sufficiency threshold. On my version of sufficientarianism, an individual's sufficiency threshold is the amount of power he needs so that everyone's interests can be advanced equally. Individuals need not consciously advance their own interests and the interests of their neighbors. Advancement of individuals' interests is largely the business of groups and social institutions. Hence, the location of someone's sufficiency threshold depends on several factors: 1) his own interests; 2) the interests of the people around him; 3) how skilled he is at advancing his own and other people's interests; 4) how skilled the people around him are at advancing their own and other people's interests; and 5) the effect that the social institutions in place have on everyone's interests. Given that these factors are not static but dynamic, the thresholds will be broad rather than narrow. The thresholds tell us how much power the individual should have at a particular period within his life, not throughout his entire life. And the members of certain minority groups may have higher thresholds than most other people.

III.

Saying that sufficiency is the distributive ideal for political power leaves open many questions about how to achieve that ideal in the real world.¹⁶⁵ I will close this chapter, therefore, by considering some of the practical prescriptions that fall out of my view. Given that I am neutral on the question of what people's interests actually are and that the relationship between interests and institutions is too complicated to go into here, I cannot give detailed recommendations for the structure of social institutions. But I can make some general observations about how institutions can serve the various interests at stake in the political arena. While perfect conformity to the sufficientarian ideal is likely unattainable, there are steps we can take to improve the distribution of political power.

Up till now, I have been talking as though everyone occupies a single, amorphous role – citizen. That is clearly not true, however. We all occupy many different roles – student, employee, public official, and so on. Each of these roles comes with different amounts and types of power. Each has its own privileges and obligations. The standard for morally acceptable use of political power as an average voter is lower than that for a U.S. senator.¹⁶⁶ This is because a senator has so much more power than an average voter. The more power you have, the more you can get done (for better or for worse), and the more you can get done, the more important it is for you to do good rather than bad. This raises a further set of questions about the balance of power

¹⁶⁵ Dworkin makes the same observation about saying that a government should be democratic: “Democracy requires that officials be elected by the people rather than chosen through inheritance or by a small group of prominent families or electors. But that abstract statement does not decide which officials if any should be chosen not by the community as a whole but by sections or groups within it, how powers should be distributed among officials chosen in these different ways, how far elected officials should be permitted or required to appoint other officials to exercise some of their powers, which responsibilities should be held by elected and which by appointed officials, how long officials of either sort should serve, whether their terms of office should be fixed or subject to early termination by those who elected them, how far elected or other officials should themselves be free to change the constitutional arrangements under which officials are elected, whether a constitution should set limits to the powers of officials, so that the officials cannot themselves alter these limits, and so forth” (2000, p. 185).

¹⁶⁶ To say that the standards are lower is not to say that they are non-existent. For a discussion of the duties of voters, see Brennan 2011a.

between public officials and private citizens. What effect (if any) should the means by which an official attained her office have on her threshold? Should elected officials have more power than appointed officials, or vice versa? Should the terms of all officials be limited? Should all officials be subject to recall votes?¹⁶⁷

Put simply, the question is this: In a complex society such as our own, what does it mean to say that an individual has enough political power? What justifies this person having *this* much power? Why not more? Why not less?

It all comes back to the effect that the distribution of political power has on individual well-being. Political power should be distributed so that everyone's interests are advanced equally. That sounds nice, but how could we even begin to put this into practice? Where and how should we attempt to implement the sufficientarian ideal? Should it structure only the basic institutions of society, or should it extend to the workplace, the family, and other areas?¹⁶⁸ For now, I will focus on the level of the basic institutions of society – e.g., the political and economic framework within which society operates.¹⁶⁹ The structure of these institutions goes a long way toward determining how political power is distributed. (The relationship between institutions

¹⁶⁷ The longer someone's term and the more difficult it is to remove her before the end of that term, the more powerful she is. More powerful because less constrained by the will of others. Someone with a lifetime appointment can safely ignore the preferences and opinions of (almost) everyone else in her society. As an official's job security decreases so does her power. The more often an official must stand for election or go through an appointment process, the more accountable she is – i.e., the more power shifts away from her and to her constituents. In the United States, elected officials serve fixed terms (of two, four, or six years); they cannot be removed from office before the end of a term simply because they become unpopular. In many countries, new elections can be held at any point. Unpopular leaders and/or parties are not guaranteed a hold on power for a specific amount of time.

¹⁶⁸ This is often framed as a question about the proper site of distributive justice. G.A. Cohen (2008, Ch. 3), Walzer (1983, pp. 291-303), Dahl (1989, pp. 324-32), and Brighouse and Fleurbaey (2010, pp. 153-5) argue that the demands of distributive justice apply to businesses as well as to other voluntary private associations. For some doubts about such arguments, see Arneson (1993, pp. 138-43).

¹⁶⁹ See Rawls 1971, § 2.

and political power is reciprocal. The institutions shape the distribution of power, and the distribution of power shapes institutions.)

Which brings us to the question of institutional design. If we want a sufficientarian distribution of political power, how ought we to structure the basic institutions of our society? We ought to structure them with an eye toward promoting the values of accuracy, autonomy, fairness, etc. The ultimate goal is to promote each of these values to whatever degree is necessary in order to advance everyone's interests equally. In practice, this will usually mean promoting each value as much as we can without undermining any of the others.

What might this look like in regards to the value of autonomy? At the level of basic institutions, we can promote autonomy by establishing a democracy with a written constitution.

Consider first the connection between autonomy and democracy. Democracy promotes autonomy because any non-democratic form of government gives too much power to some person(s) or group(s).¹⁷⁰ In a non-democratic system, some people – namely, those who do not have full rights of political participation (e.g., freedom of speech and assembly, the right to vote, the right to run for office) – do not have an adequate quality or quantity of options to participate in the political process as a rational moral agent. These people are treated as though they were either not able or not worthy to participate in the political process.

So, one way to institutionalize a concern for autonomy is to set up a democratic government. Inherent in democracy, however, is one of the most serious threats to autonomy:

¹⁷⁰ I use 'democracy' here in a substantively neutral way – i.e., I do not presuppose anything about the distribution of resources or rights in a democratic society, except for rights of political participation. A society is democratic insofar as everyone has the same rights of political participation. This is a thin conception of democracy. Thin, not empty. It excludes many systems of government, from hereditary monarchy or aristocracy (where full political rights – specifically, the right to hold the highest office in government – are available only to a small subset of the population) to oligarchy (where only those with wealth have access to the most powerful positions).

majority tyranny. Philip Pettit describes the threat that unconstrained majority will poses to autonomy as follows:

Majorities are easily formed—they easily become actual rather than virtual agents—and majoritarian agents will exercise more or less arbitrary power if their will is unconstrained. Let the laws be subject to ready majoritarian amendment, then, and the laws will lend themselves to more or less arbitrary control; they will cease to represent a secure guarantee against domination by government. Most of us belong to a salient minority in some respect and most of us, therefore, have an interest in seeing that we do not live at the electoral mercy of the corresponding majority. (1997, p. 181)¹⁷¹

Because the threat of majority tyranny is ever-present in a democracy, a democratic society that takes autonomy seriously must place some constraints on majority will. For some issues at least, the fact that a majority supports one side should not be enough to settle the matter.

One way to constrain majority will is to opt for representative, rather than direct, democracy. (In a direct democracy, citizens participate directly in the decision-making process of government – through public referenda, say. In a representative democracy, by contrast, most citizens' power is mediated through their representatives; they participate directly only when they choose who will represent them.) In a pure direct democracy, there is nothing to stop the majority of voters from enacting laws that deprive minorities of some of their rights. And while a direct democracy could adopt some anti-majoritarian institutions (a written constitution, a bill of rights, etc.), the threat would remain. So long as every decision has to be approved by the public, the majority always could (even if it never did) stampede everyone else.

¹⁷¹ Mill puts it this way: "Society can and does execute its own mandates; and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling, against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development and, if possible, prevent the formation of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own" (Mill, *On Liberty*, Chapter 1).

Consider next the connection between autonomy and the constitution. I said that, if we want to promote autonomy, the constitution should be written. It should be written because a written document is harder to ignore than an unwritten one. When the rules are fixed and publicly accessible, there is less room for the arbitrary will of any individual or group. Obviously, the presence of a written constitution is no guarantee that autonomy will thrive – history is full of powerful leaders who simply ignored the constitution of their countries – but it does increase the likelihood that citizens will have a certain amount of autonomy.

Let us now consider a different value: accuracy. To promote the accuracy of our collective decisions, we need to have as much information as possible about people's interests and skills, and we need to use that information effectively. This means that (almost) everyone should have some power, and that those who are more competent should have more power. So we need institutions that not only make it difficult to ignore the interests of any individual or group but also give us some means of distributing power in proportion to competence – institutions such as universal adult suffrage and judicial review of legislative and executive decisions.

Since so many of our collective decisions take the form of elections, improving the accuracy of our electoral processes is an obvious way of promoting accuracy. One thing we have to decide in this context is who should be eligible to vote. I claim that, if increasing the accuracy of our collective decisions is the goal, all sane adult citizens and long-term residents should be eligible to vote. In other words, we should extend suffrage to two groups that are often excluded: non-citizens and convicted felons.

The accuracy-based argument against giving non-citizens the right to vote runs as follows: non-citizens should not be allowed to vote because they do not have as large a stake in

this country as citizens do. Their interests are less tied up with the interests of this country than the interests of citizens are. Non-citizens thus do not have a strong enough incentive to make informed decisions about the long-term interests of this country. Therefore, if we allowed non-citizens to vote in our elections, the outcomes would be distorted by these uninformed, uninterested voters.

I have two problems with this argument. First, I think it overstates how much citizens know about, and how much reason they have to know more about, the politics of their countries. Many citizens are ignorant about political issues, and rationally so.¹⁷² Second, I think the above argument ignores some of the incentives facing non-citizens. Many non-citizens have lived, and plan to remain, in a country long enough to have just as much stake in its politics as most citizens do. There is no reason to believe that giving such people the right to vote would lessen the quality of collective decisions. If anything, extending suffrage to long-term residents would lead to better decisions by making the system more responsive to the interests of a segment of the population that is often ignored.

When I say that non-citizens should have the right to vote, I am talking only about the subset of non-citizens who meet certain requirements – those who have lived in the country for a number of years, say. Why these and not others? Because the political system of the country in which they live affects their lives just as much as it affects the lives of citizens, and it does not affect the lives of people who just moved there or who live in other countries to nearly the same

¹⁷² “[C]itizens are *rationaly ignorant*. Individual citizens have almost no power over government, and individual voters have almost zero expected utility. Thus, political knowledge does voters little good. Acquiring knowledge is costly and difficult. If you knew that your vote were likely to be decisive, then you would invest time and effort into acquiring political knowledge. However, when you realize that your vote makes no difference, you probably decide not to bother....For many citizens, the cost of acquiring political knowledge outweighs the expected benefit of having this knowledge” (Brennan 2011a, p. 165).

degree.¹⁷³ Ultimately, I think that geographical location is morally irrelevant. Any government whose actions have a significant impact on your interests is a government over whose decisions you should have some power.

What about convicted felons? Convicted felons are often ineligible to vote, usually for the rest of their lives. The accuracy-based justification for this practice runs as follows: being convicted of a crime shows that you lack the moral competence necessary to exercise political power well; therefore, depriving you of the right to vote will increase the competence of the group of people making the decisions.¹⁷⁴

But this justification is problematic for several reasons. To begin with, being convicted of a crime is not necessarily proof of a deficit of moral competence. (You could have been wrongly convicted. You could have known very well that what you were doing was morally wrong but unable to stop yourself. Or the law you violated could itself have been immoral.) Moreover, moral competence is only one aspect of political competence. Even if someone's moral competence were lacking, he could more than make up for this by extensive knowledge of history and political science, say. Finally, depriving criminals of the right to vote may actually lead to less accurate decisions. The social stigma attached to being a convicted felon puts felons

¹⁷³ An alternative approach that would likely have the same effect as allowing long-term residents to vote would be to make it easier to become a citizen. One of the main reasons that many long-term residents in the United States do not become citizens is the cumbersome process one must go through to attain citizenship.

¹⁷⁴ There are other justifications of this practice, of course. Excluding criminals from the electorate is often defended by appealing to the expressive value of punishment: by not allowing criminals to vote, society expresses its willingness to hold individuals responsible for their actions and its disapproval of certain types of action. This justification is more plausible than the first; it is not self-undermining. Nevertheless, I doubt that the benefits (in terms of responsibility) of the practice outweigh the costs (in terms of accuracy, autonomy, and fairness). We have already noted the cost in terms of accuracy. The cost in terms of autonomy is that depriving felons of the right to vote deprives them of an important part of an autonomous life; namely, the option of participating directly in political process by casting a ballot. (Voting may not be a major part of an autonomous life in all societies, but it is in a democracy.) The cost in terms of fairness is that whatever unfairness there is in the enforcement of the criminal law also infects the electoral process.

at greater-than-average risk of being neglected by the political process. Politicians and public employees have little incentive to protect the interests of this group. Thus, if criminals do not have the ability to protect their own interests through the ballot box, our collective decisions will be distorted to the degree that an entire segment of the population is ignored.

A likely objection to my arguments about non-citizens and felons is that they prove too much. If we extend the right to vote to those groups for the reasons I have suggested, how can we consistently say that children or the mentally-handicapped should not be allowed to vote? And since it is obviously absurd to allow children and/or the mentally handicapped to vote, my argument must be rejected.

In response, I would note, first of all, that we should not dismiss as absurd the prospect of children and/or the mentally handicapped voting. People of all ages and levels of cognitive ability are affected by the political activities of their societies, so there is at least an initial plausibility to the claim that they ought to have some direct influence on those activities. Nevertheless, I do not think that either of these groups should be allowed to vote. Why not? Because the costs (in terms of accuracy) outweigh the benefits (in terms of autonomy, perhaps). Most people under 18 years of age or with a mental handicap are not capable of leading autonomous lives; indeed, they will usually be better off if someone else makes their most important decisions for them. Thus, depriving them of one aspect of a fully autonomous life (the right to vote) would not, as it would with a normal adult, decrease their well-being significantly.

Assuming that extending the right to vote to children and the mentally handicapped would significantly decrease the accuracy of our collective decisions, then, we should not do so.¹⁷⁵

The final institutional mechanism for promoting accuracy that we will consider is judicial review. Judicial review is the practice of a court having the final say on the question of whether an action taken by some government agent(s) conforms to the constitution. My claim is that, at least for those decisions in which the criterion for accuracy is fidelity to the constitution, judicial review leads to more accurate decisions. Why think this? Not because judges are necessarily more competent than non-judges on these matters, but because they are not as susceptible to various non-epistemic factors as many other public officials are. Judges are in a better position to make accurate decisions because judges have less incentive to cater to popular opinion than do other officials.¹⁷⁶ (This is clearly true of judges who are not elected, and who have either permanent tenure or lengthy, guaranteed single terms.¹⁷⁷ These judges do not have to please any particular constituency to remain in office.) A constitutional court's role is to ensure that the

¹⁷⁵ There are, no doubt, some people younger than 18 who are more politically competent than some people well above 18. But we must place the cut-off somewhere (surely there is some age below which no one is competent enough to vote), and 18 years is a natural place to start (at least in countries where it is the conventional boundary between childhood and adulthood). If we had evidence that lowering or raising the cut-off would lead to better quality decisions, then we would have to consider it.

¹⁷⁶ As Dworkin puts it:

In some cases...the public that elects legislators will be in effect a party to the argument whether someone has a right to something, because that public's own interests oppose the concession of a right. That will typically be true when the argument lies in a politically sensitive area, like that of race relations. Politically powerful groups may prefer that political clubs discriminate, and no countervailing force, except the politically impotent minority itself, may very much care. It would be wrong to assume that in such circumstances the legislators will lack the independent judgment to identify the right at stake or the courage to enforce it. But it is nevertheless true that in such cases legislators are subject to pressures that judges are not, and this must count as a reason for supporting that, at least in such cases, judges are more likely to reach sound conclusions about rights" (1985, pp. 24-5).

¹⁷⁷ The constitutional courts of both Germany and the United States have this feature. In Germany, members of the Constitutional Court serve a single 12-year term. In the United States, members of the Supreme Court are appointed for life.

executive and legislative branches act within the boundaries laid down by the constitution. The (un)popularity of the actions should play no role in the court's decisions.¹⁷⁸

Finally, let us look at how our social institutions could be set up to promote responsibility. Responsibility calls for people to be held accountable for their actions. People should bear (at least some of) the consequences of their actions. At the level of basic institutions, responsibility is promoted by the separation of powers in government, a mechanism for removing officials who overstep their authority, and a system of civil and criminal law that punishes people who act wrongly.

The separation of the executive, legislative, and judicial powers of government into the hands of different agents is an effective tool for holding public officials accountable.¹⁷⁹ The reason for keeping the executive, legislative, and judicial powers separate is simple: if anyone were to control two or more of the branches of government, he would be shielded from the (negative) consequences of (some of) his actions.¹⁸⁰

The most familiar mechanism for making public officials responsible for their actions is the holding of regular elections. Elections allow voters to reward officials for good behavior and punish officials for bad behavior. An official who abuses his power during his first term will probably not get a second. Other such mechanisms include term limits (caps on how long

¹⁷⁸ For some doubts about just how insulated from politics judges really are, see Walzer 1981. For instance: "Judges are in an important sense members of the political community. Most of them have had careers as officeholders, or as political activists, or as advocates of this or that public policy. They have worked in the arena; they have participated in debates" (p. 10).

¹⁷⁹ Exactly how these powers should be separated is a surprisingly controversial question, which I leave for another time. For some interesting variations on the American institutional mechanisms of separation of powers, see Ackerman 2000. For some doubts about the effectiveness of separation of powers as traditionally conceived (i.e., as the functional separation of executive, legislative, and judicial powers) at achieving this goal, see Brennan and Hamlin 1994. They argue instead for a competitive separation of governing power between two or more parties.

¹⁸⁰ "A consolidation of functions in the hands of one person or group would...mean that they could play around with the law in a relatively unfettered way" (Pettit 1997, p. 177).

anyone can hold a particular office) and recall elections (in which voters decide whether to remove an official before his term has expired).

Of course, if we care about promoting responsibility, public officials are not the only people who should be held accountable. We also we need a system of punishment and rewards that applies to private citizens as well as public officials. On the punishment side, we need a system of civil and criminal law that makes people pay for violating certain rules.¹⁸¹ As for rewarding people who act rightly, the most effective reward is probably the praise and admiration of one's family, friends, and neighbors. But there are ways of institutionalizing such things – e.g., tax credits for charitable donations.

In this section, we have looked at a few examples of how social institutions can promote the values that political sufficientarianism calls for us to promote. My hope is that this has shown that efforts to bring the actual distribution of political power closer to the sufficientarian ideal are not hopelessly utopian. Most of the institutions we considered are already in place in many countries around the world.

As I have already said, I do not make any assumptions about the relative importance of any of the above values. But I do assume that, in almost every society, every one of them matters somewhat. What should we do when the institutional demands of multiple values conflict with one another? What if, say, we want to promote both economic productivity and solidarity, but the free market that promotes the former undermines the latter? That depends on

¹⁸¹ To say what such a system should look like would require a theory of moral responsibility, which is, thankfully, beyond the scope of this project. All I will say is that the view of responsibility presupposed by a society's legal system must track the people's beliefs about responsibility relatively closely, or else the legal system will cease to promote the value of responsibility within that society. The legal system would be seen as serving a purpose unrelated to responsibility.

the relative importance of each value in our society. If the interests of the people here are advanced greatly by the promotion of solidarity and very slightly by the promotion of economic productivity, then we should do everything we can to promote solidarity, except where doing so would keep the free market from working at all. But if people's interests were reversed – i.e., if the promotion of economic productivity were much more important than the promotion of solidarity – then we should let the free market reign, unless this would eliminate any sense of solidarity within our society. As the relative weights of the values converge, of course, it becomes more difficult to strike the right balance between them. (Should we opt for a little more productivity or a little more solidarity?) And it may not always be possible to promote all the values that matter at the same time – suppose economic productivity and solidarity are incompatible in some way. We may have to make unwelcome trade-offs at the level of institutional design.

IV.

In the previous two chapters, we looked at arguments for political egalitarianism. Central to most of these arguments is the claim that a person cannot be treated as a moral equal unless he has an equal share of political power. This claim is implausible, I argued, because the demands of moral equality vary from person to person and place to place; they vary because the interests of the people involved and the broader social context vary. In this chapter, I presented an argument for political sufficientarianism – the view that, so long as everyone has enough political power, there is nothing wrong with some having more than others. My argument is that, once we take into account all the relevant values, we see not only that people can be treated as moral

equals without having an equal share of political power but also that, in many cases, a person will actually be better off for having an unequal share of power.

Chapter 5: Objections and Replies

The principle of sufficiency has taken a beating in recent years.¹⁸² The objections have come from many directions, and I cannot possibly respond to all of them. Indeed, I think that some of the objections are compelling. If we are distributing welfare or health care resources, for instance, equality, priority, or some combination of the two is more attractive than sufficiency. My primary aim in this chapter is to respond to the most serious objections to adopting sufficiency as the distributive ideal in the sphere of political power.

I.

Objection: Why have any distributive ideal for political power? Even if we reject equality as the distributive ideal for political power, it is not obvious that something else should take its place. There are some areas in which it is simply too intrusive for society to try to enact *any* principle(s) of distribution. This is Dworkin's (2000) position. Dworkin claims that there is something incompatible between seeing oneself and others as members of a community of moral equals and trying to maintain any distributive ideal in the sphere of political power:

If a community is genuinely egalitarian in the abstract sense—if it accepts the imperative that a community collectively must treat its members individually with equal concern—then it cannot treat political impact or influence as themselves resources, to be divided according to some metric of equality the way land or raw

¹⁸² For extended criticisms of sufficientarianism, see Arneson (2002), Casal (2007), and Holtug (2007). Otsuka and Voorhoeve (2009) claim to show that all anti-egalitarian principles have seriously counter-intuitive implications.

materials or investments might be divided. Politics, in such a community, is a matter of responsibility, not another dimension of wealth. (2000, pp. 209-10)

In other words, we cannot be members of a truly egalitarian community if we are constantly trying to achieve or maintain a particular distribution of political power.

Reply: If true, this claim would obviously be a serious problem for my view. But it is misguided, for at least two reasons. First of all, people will make interpersonal comparisons of power (and any other good) no matter what society does or does not do. That is part of human nature, not a consequence of pursuing a particular distributive ideal. And such comparisons need not have the deleterious effects that Dworkin claims. Dworkin's argument would be persuasive if (i) conforming to a distributive principle required everyone to consciously conform to it and (ii) everyone knew not only how much political power everyone has but also why they have as much as they do. If both of these conditions held, then trying to attain a particular distribution of political power may indeed undermine people's ability to interact with one another as moral equals. But neither (i) nor (ii) is true. Achieving or maintaining a particular distribution of some good does not necessarily require conscious effort. The distributive pattern of the good could approximate an ideal completely by accident. Take happiness, for example. Absent any effort to reach an equal distribution, every member of a society could be equally happy. (Perhaps this was the result of inequalities in other spheres – wealth, skills, preferences, etc. – offsetting each other.) Similarly, the second condition is not met because we do not walk around with our share of political power (and our degree of responsibility for it) stamped on our foreheads. It is very difficult to know how much power anyone else has, and even more difficult to know why he has that much.

There is a more fundamental problem with Dworkin's argument, however. It is that we cannot avoid distributing political power. Our social institutions have to be structured in some way (even if there are no conscious designers of them), and how they are structured will have a significant effect on how much political power various individuals and groups have. Rather than ignore this fact, we should acknowledge it and try to distribute power as well as possible.

Objection: Fine. But even if we accept that we need some distributive ideal for political power, there is good reason to doubt that sufficiency has any advantage over equality. In fact, it looks like sufficientarianism collapses into egalitarianism in this context. This is because political power is a competitive good – how much one has partly depends on how much others have. So, the only way to raise someone up to her sufficiency threshold is to bring down someone who is already above her threshold. Thus, a sufficient distribution will end up being a (roughly) equal distribution. And if that is right, then sufficiency is not distinct from equality as a distributive ideal for political power.

Reply: This is a potentially fatal objection to my view. As with the previous one, however, it rests on a confusion. True, raising some to the level of sufficiency – giving them enough political power – will lead to greater equality. But, on a sufficiency view, this tendency toward equality is merely an accidental by-product, not something of ultimate moral importance. When it comes to the distribution of a competitive good like political power, a sufficientarian must pay attention to inequalities. (A large difference in power between two people could be an indication that one of them does not have enough.) What makes a sufficientarian view distinctive is that (in)equality has no intrinsic moral importance; it is relevant only insofar as it impacts sufficiency.

If B has 10 units of power and C has 1 unit, that is bad. A more equal distribution would be better – not because an equal distribution is the ideal, but because C does not have enough power. If C's power were increased to 4 units, it would be an improvement on either an egalitarian or a sufficientarian view. But, unlike the egalitarian, the sufficientarian is open to the possibility that there is no need to make the distribution any more equal than, say, B having 7 units and C having 4. Depending on what B and C are like, there may be nothing morally objectionable about this remaining inequality. The egalitarian says that nothing less than equal is enough; I claim that something less than equal often is enough. Even if, in the end, everyone ought to have an equal share of power, my explanation of why this is so is very different than an egalitarian's explanation.

Objection: But there are insurmountable epistemic barriers here. In discussing the location of thresholds, for example, you have been talking as though we have access to all the requisite information about people's interests. Obviously, this is not true in the real world. We will rarely (if ever) know all things we would need to know in order to implement your sufficientarian approach – what everyone's interests are, how competent they are, etc.

Reply: One reaction to these epistemic barriers is to give up on the project of trying to make the distribution of power conform to a specific ideal. (If we cannot know precisely how much anyone actually has or should have, how can we possibly improve the distribution of power in a significant way?) Another is to adopt a simple distributive ideal (equality, say). I think we should resist both of these reactions, however, because the moral costs of acting on either would be too high. The distribution of political power directly affects how well people's lives go. If

someone has too much power, this is bad for the people around him, and perhaps even for the person himself. Conversely, if someone has too little power, this is bad for the person himself, and perhaps even for those around him. Therefore, we should not allow people to have too much or too little power simply because achieving a better distribution of power would be difficult.

I admit that there are many barriers (epistemic and otherwise) to achieving perfect conformity with the ideal of sufficiency in the sphere of political power. But this is no reason to accept the status quo or a more simple distributive ideal; it is a reason to re-calibrate our expectations for how close we can approximate an ideal in the real world. Instead of trying to make precise judgments about how much power every individual or group should have, we should set up our institutions in a way that gives more power to those who should have more and less to those who should have less. Although there is a lot that we cannot know, there is some that we can. We cannot say that a particular federal bureaucrat has 62 units of power and should have only 56, or that this ordinary citizen has 18 units and should have 22. But we can say that the federal bureaucrat is too powerful (because she cannot be punished by anyone for ignoring certain regulations, perhaps), and that the ordinary citizen is not powerful enough (because she does not have any free time or money to contribute to political campaigns, perhaps). And the judgments we can make are good enough for most of the practical questions that we have been talking about. Mechanisms such as basic social institutions cannot make very fine-grained distinctions. A federal constitution, for instance, is not able to allocate political power with much precision. It may be able to ensure that certain types of people tend to have more power than others, but it cannot ensure that A will have 55 units of power while B has only 40.

Objection: You admit that the sufficientarian ideal may be unattainable in the foreseeable future. And, if that's true, then we should be prioritarrians rather than sufficientarians. Giving priority to the worse off is a useful triage principle. It tells us how to proceed in the far-from-ideal actual world: give the most weight to the interests of those who are worst off, and progressively less weight to the interests of those who are better off.

Reply: This is a less serious objection; it does not seek to undermine my view at the conceptual level. Yet, at first blush at least, it does seem to be an unwelcome implication of the arguments I have given. After all, it looks like there is no room for short-term priority principles within my sufficientarian view. That is not true, however. Given that we are so far from attaining a sufficientarian distribution of power, we need not choose between sufficiency and priority at this point. Acting on priority principles in the short term is compatible with accepting sufficiency as the distributive ideal. A sufficientarian needs to decide how to deal with people who are either below or above their threshold. One way to incorporate priority principles into my view is to apply them to people below the sufficiency threshold: among those with less power than they ought to have, give priority to increasing the share of those with the least power. The further below your threshold you are, the more important it is to lift you up. And for those with more power than they ought to have, we could adopt "inverse prioritarianism": among the people with too much power, we give priority to decreasing the power of those with the most power. The further above your threshold you are, the more important it is bring you down. We could use such prioritarian reasoning without abandoning sufficientarianism.

This is not to deny that sufficiency and priority can pull in opposite directions. At some point, we will have to choose between maximizing sufficiency and giving priority to certain

people's interests. (On this point, I agree with Arneson (2006) and Casal (2007).) But we need not make this choice anytime soon. So many people are below their thresholds that giving priority to increasing their power is (and will remain for quite a while) the best way to increase sufficiency.

Objection: Prioritarian or not, your view perpetuates injustice. It does not permit us to give more weight to some people's interests than we do to others'. You insist on the equal advancement of everyone's interests now and in the future, and this would prevent us from favoring some people's interests as a means of compensating for past injustices, for example. We could not give their interests more weight now, even though their interests were unjustly frustrated in the past.

Reply: While it is true that I do not support giving anyone's interests more weight than anyone else's, this does not mean that I cannot justify things like compensating people for past injustices. On my view, we could justify giving one person more power than another on the grounds that the former is a victim of past and/or present injustices. We could say that he needs more power to further advance his interests now and in the future – not because his interests are more important than anyone else's but because he is currently worse off than most others and he needs to catch up. Once his interests have been advanced to the same degree as the people around him, then we can lower his threshold closer to theirs.

Objection: There is a more serious worry about your arguments for sufficientarianism. It has to do with your claim that competence should play a role in the distribution of political power.

Even if some people are better than others at making political decisions, this does not entail that they should have more power. To think that it does is to commit what Estlund calls the *expert/boss fallacy*:

[A]uthority does not simply follow from expertise. Even if we grant that there are better and worse political decisions (which I think we must), and that some people know better what should be done than others (we all think some are much worse than others), it simply does not follow from their expertise that they have authority over us, or that they ought to....You might be correct, but what makes you boss? (2008, p. 3)

In short, truth grants no political authority. Just because you are right does not mean you have the right to rule.¹⁸³

Reply: This is a serious, perhaps the most serious, objection to my view. Estlund is right to say that truth (and, by extension, competence) does not entail authority. Thus, it looks like what I have presented as one of the main advantages of sufficientarianism – its ability to justify distributing power in proportion to competence – is actually a disadvantage. If competence has no justificatory force in this context, then my case for sufficientarianism begins to look quite weak. So why do I not think that this objection is fatal to my view? First of all, because I am not Plato; I do not claim that the wisest among us should have all (or even most of) the political power. I claim that, in certain circumstances, those who are more competent should have more power than those who are less competent. I am willing to concede that there are cases in which accuracy (and, by extension, competence) has no justificatory force. In a society where fairness trumps all other values, for example, someone with better-than-average competence should not have a greater-than-average share of political power. Secondly, and more importantly, I would challenge the idea that the inference from competence to authority is always fallacious. In some

¹⁸³ This is essentially Walzer's (1981) complaint against judicial review.

cases, it is; in others, it is not. The inference is fallacious in societies where accuracy plays no role in the well-being of individuals, but it is not fallacious in societies where accuracy does play such a role. If people have an interest in accuracy, then competence does carry with it a certain amount of authority: a necessary condition on the justice and/or legitimacy of a political institution would be its tendency to distribute power in a way that leads to more accurate collective decisions. Also, as I say above (p. 151, fn.), there are accuracy-based reasons for not giving any individual or group a complete lock on power. At some point, the epistemic benefits of having multiple perspectives outweigh any differences in competence among the highly competent.

Objection: Putting aside the issue of justification for the moment, what about the factual question of whether people really do differ in political competence? It seems plausible that on the dimensions that matter – e.g., knowledge of their own interests and how to advance these interests in the political arena – people are, for all practical purposes, equal.

Reply: I do not see how this line of argument can be sustained. I agree that if people were equally competent about something, it would be about their own interests and how to advance them. But I doubt that people are equally competent about this. As a matter of fact, even the most committed democrat recognizes (at least implicitly) that political competence is not evenly distributed throughout society, that some are better qualified than others to participate in the political arena. Why are children not allowed to vote, for example? Because they are not competent, or at least not as competent as an average adult. Therefore, unless you want to say

that everyone (including children) should have an equal share of political power, you cannot object to making some judgments about the (in)competence of some people.¹⁸⁴

Of course, excluding children is one thing, giving some adults more power than others is quite another. The latter is more controversial, but I think it is still justified. Beyond anecdotal evidence of differences in the moral and technical competence within any population, there is a great deal of social-scientific research showing that people are not equally adept at looking after their own interests (not to mention the interests of others) in the political arena.¹⁸⁵ If the ultimate goal is to advance everyone's interests equally, therefore, giving them all an equal share of political power would be a mistake. The more competent members of society should have somewhat more power than their less competent neighbors.

Objection: Even if people are not equal in competence, each person is still better situated than anyone else to know what is in his own interest. Since, as you admit, we may not know for sure how competent someone is, we should simply presume that each person can advance his own interests better than anyone else can. Thus, the best way to advance a person's interests is to let the person do so himself.

Reply: I think this is false. As I said above (Chapter 3, Section II), some people are deeply confused about what is in their own interests. When we are dealing with such a person, it is possible that someone else has a better idea of what is in his interest than he himself does, and thus that the best way to advance his interests is to let someone else advance them for him.

¹⁸⁴ This example comes from Brennan 2011b, pp. 718-9.

¹⁸⁵ See Brennan 2011a (Ch. 7), Larry Bartels (Chs. 3 and 4), and Bryan Caplan 2007.

Objection: Even if there are differences in competence, any public recognition of such differences will be disrespectful and demeaning to those who are labeled (relatively) incompetent. You say that competence should play a role in the distribution of political power, and this means that you must make judgments about the (in)competence of your neighbors. You cannot do that without insulting those whom you label as less competent than others.¹⁸⁶

Reply: This is a more serious objection. It gets back to the problem of invidious comparisons, which we discussed in Chapter 3, section III. Rather than merely repeat what I said there, I will explain why, in practice, the problem of invidious comparisons may not be as serious as it initially appears. We make judgments of differential competence all the time. Consider the qualification requirements for many jobs and offices. You cannot practice law or medicine, for example, without the proper accreditation. Such requirements are imperfect filters, but they are necessary: we simply do not have the time or the ability to determine *ex ante* whether each prospective lawyer or doctor would be a good one. So we rely on professional schools, licensing boards, and other institutions. They help us to weed out the people who lack the requisite skills to do the job well. We justify qualification requirements by appealing to the relative competence of different members of our society – we assume that someone with the degrees, licenses, etc. is more competent than someone without them. Are all qualification requirements morally objectionable for this reason? Surely not. I concede that there is room for deception and manipulation within the system, and that someone could protest (quite plausibly) that she would be an excellent lawyer despite the fact that she never took the bar exam. But this does not show

¹⁸⁶ Christiano offers a similar argument for the claim that political power should not be distributed in proportion to citizens' knowledge of moral and political matters (2008, pp. 116-28).

that there is anything disrespectful or demeaning about qualification requirements. We say to the non-accredited applicant: “We’re sorry, but you do not have the necessary qualifications to be considered for this position. The requirements are the same for everyone. No exceptions.” Now imagine that there were a system of political accreditation – setting aside for now the details of what such a system would look like. We could then say to all citizens: “In order to get a greater-than-average share of political power (the ability to run for office, say), you need a political competence certificate. All potential candidates have to complete this requirement. No exceptions.”

Objection: Wait a minute. There are major obstacles to implementing any system of “political accreditation.” To begin with, it would inevitably be controlled by various power-hungry groups – e.g., political parties. These groups are not motivated out of a concern for the accuracy of our collective decisions but out of a desire to advance their own interests. There will be strong incentives to get one’s supporters on the ballot, say, and keep one’s enemies off it. And, as long as that’s the case, any political-competence-certification process will be worse than useless.¹⁸⁷

¹⁸⁷ In J. Brennan’s words: “In practice, the competence exam is ripe for abuse and institutional capture. Competence exams would likely be used to disenfranchise people who might vote against the party in power. Special interest groups would fight to control the agency overseeing the exams. Even if the exam were fair and just in principle, it is unlikely that the exam would be administered in a fair and just way in practice. If we are looking for a practical policy instrument to improve actual democratic decision making, then we need not examine whether competence exams are unjust in principle. We can expect them to be unjust in practice” (2011a, p. 108). John Stuart Mill makes a similar point in Chapter 8 of his *Considerations on Representative Government*: “It would be eminently desirable that other things besides reading, writing, and arithmetic could be made necessary to the suffrage; that some knowledge of the conformation the earth, its natural and political divisions, the elements of general history, and of the history and the institutions of their own country, could be required from all electors. But...[there does not] exist any trustworthy machinery for ascertaining whether they have been acquired or not. The attempt, at present, would lead to partiality, chicanery, and every kind of fraud.”

Reply: I agree, but this is not a threat to my view. There will always be strong incentives for corruption, deception, and so forth. This should not lead us to do away with all efforts to put more power into the hands of the more competent, however. It should merely remind us that we have to be vigilant about limiting corruption and other types of abuse. Think of how politicized the process of getting on the ballot is now. In most cases, it requires a potential candidate to collect a large number of signatures or be nominated by a party that has already secured a place on the ballot. There is ample room for corruption here. Should we institute a different procedure for gaining ballot access? Not necessarily. The benefits of this system – most notably, its effectiveness at keeping non-serious candidates off the ballot – may outweigh the (risk of) corruption. We should do everything we can to limit corruption, not do away with any system that could possibly be corrupted. Of course, this is easier in some cases than in others, and competency tests seem to be one of the hardest cases. But I am not proposing that we implement a system of political competence testing: I think that the corruption-type worries are strong enough to dissuade us from any such enterprise. With rare exceptions, the most we should do to try to increase the accuracy of our decisions is to offer citizens the means to increase their competence (e.g., classes and informational campaigns) and to not intervene when inequalities of political power arise from differences in competence.

Objection: The most important practical obstacle to distributing political power in proportion to competence is that there are no reliable tests of political competence. You describe political competence as a combination of moral competence and technical competence. There are so many different factors that affect one's competence along both of these dimensions – e.g., formal training, empathy, altruism – that we will never know how politically competent most people are.

No test (written or otherwise) can measure a person along all of these dimensions.¹⁸⁸ And, as Richard Arneson says, “when no reliable procedure is available to distinguish more competent from less competent citizens for the purpose of tailoring one’s power to one’s competence, no unreliable procedure should be instituted to this end” (1993, p. 138). So, trying to distribute power in proportion to competence is a hopeless task.

Reply: If there were indeed no way of testing political competence, this would be a problem for my view. It would not be a fatal problem, since competence is only one of the factors that I think should affect the distribution of political power, but a problem nonetheless. Fortunately, I do not think that getting a rough idea of how politically competent people are is as difficult as the objection suggests. We need not administer political-IQ tests to identify those with high or low levels of political competence. We already have some built-in filters that prevent the least competent from wielding too much political power. As Jason Brennan notes: “Many positions of power require certain qualifications from applicants in order to obtain that power. We do not make just anyone a police officer, nor can just anyone run the Fed. Judges must have law degrees, and even politicians are often subject to requirements [e.g., confirmation hearings]” (2011b, p. 707). And, don’t forget, we can get some benefits (in terms of the accuracy of our collective decisions) without deliberately structuring institutions so as to give more power

¹⁸⁸ “Even if the exam system were free of corruption, there might be no way to design an exam that could track the morally relevant qualifications....How could we punish or reward people for making bad or good choices about civil rights? If we try to test knowledge, what should we test? A good voter does not need to know trivia, such as how many U.S. states there are, or how many voting members of Congress there are. Consider this relatively modest proposal: a good voter should know basic textbook economics (even if she disagrees with it) and should be able to identify one or two platforms of the candidates for which she votes. However, even this kind of knowledge is not necessary to be a good voter.... You might be completely ignorant about the candidates and about social science, but know that candidate A is supported by people who deserve your trust and deference, and thus be justified in voting for A on those grounds. We cannot design a written test to check for justified deference to experts. So, even if exams are acceptable in principle, it is not clear whether we can design an acceptable one” (Brennan 2011a, p. 109).

to citizens or groups of citizens with higher-than-average levels of competence. Absent any intervention, those with more competence will tend have more power than most others. Part of being politically competent is knowing how to get things done.

Objection: There is a final, more pragmatic concern. An unequal distribution of political power will lead to greater (risk of) abuses of power (corruption, coercion, exploitation, etc.).¹⁸⁹ The powerful will be able to enrich and further empower themselves and their friends at the expense of the relatively powerless.

Reply: I admit that an unequal distribution of political power may increase the risk of abuses of power, but I do not think that this is a serious problem. First of all, on my sufficiency view, the risk of abuse cannot increase too much, because no individual or group should have so much power that they cannot be held accountable for their actions. If someone can act with impunity, then he has too much power – he is above his threshold. The people who cannot (individually or collectively) prevent him from lying, cheating, and stealing do not have enough power – they are below their thresholds. Secondly, the potential for abuse of power is always present, even under a regime of political equality. Even if everyone has the same amount of political power, it is still possible for some to abuse their power – by buying votes, say.

¹⁸⁹ This is one of Michael Walzer's main worries about unequal distributions of political power: "[P]olitical power is a special sort of good. It has a twofold character. First, it is like the other things that men and women make, value, exchange, and share: sometimes dominant, sometimes not; sometimes widely held, sometimes the possession of a very few. And, second, it is unlike all the other things because, however it is had and whoever has it, political power is the regulative agency for social goods generally. It is used to defend the boundaries of all the distributive spheres, including its own, and to enforce the common understandings of what goods are and what they are for. (But it can also be used, obviously, to invade the different spheres and to override those understandings.)" (1983, p. 15, footnote).

To sum up: in this section, I have tried to defend my view against the most serious objections to it. If nothing else, I hope the above discussion helps to identify which bullets the political sufficientarian has to bite.

II.

Now that we are at the end, we should take a step back and recall where we have been. We began, in Chapter 1, by looking for a workable conception of political power. According to the conception we settled on, political power is the ability to get what you want in the political arena; more precisely, it is the ability to make political outcomes conform to one's will, even in the face of resistance. We then considered several arguments for the view that political power ought to be distributed equally – the view I call political egalitarianism. I divided the arguments for political egalitarianism into two groups: arguments from moral equality and arguments from legitimacy. The arguments from moral equality, which were the focus of Chapter 2, claim that everyone is owed an equal share of political power simply by his or her status as a person of equal moral worth. My problem with this claim is that achieving an equal distribution of political power can actually prevent us from treating everyone as a person of equal moral worth. The arguments from legitimacy, which were the focus of Chapter 3, are problematic for other reasons. These arguments have two steps. The first is a theory of legitimacy – a political institution is legitimate if it promotes the relevant value(s) to a sufficient degree. The second step is the claim that the best way to promote the relevant value(s) is to achieve an equal distribution of political power. I questioned both steps. Not only do I have worries about the theories of legitimacy upon which these arguments rely, I doubt that an equal distribution of political power is the best means of

promoting the value(s) they invoke. I then presented, in Chapter 4, my argument for political sufficientarianism – the view that it does not matter if some have less power than others, so long as everyone has enough. I argued that, in the context of political power, sufficiency is a more attractive distributive ideal than equality because it is more consistent with the demand that we treat all members of society as persons of equal moral worth. Advancing everyone's interests equally will require us to promote each of the relevant values to some degree. (I assume that the interests of at least one person would be advanced by the promotion of each value.) Promoting any one of these values would justify some inequalities of political power. And the more values we need to promote, the greater the inequalities of political power that are necessary. Sufficientarianism can justify such inequalities; egalitarianism cannot.

As with most projects, this one raises more questions than it answers. Much more work needs to be done before my view is even close to complete. I will close with a brief survey of questions that remain open.

Many of these questions have to do with the concept of ability. I say that political power is an ability, but I do not say what exactly an ability is. Must we resort to talk of dispositions and possible worlds when cashing out our ability-talk, or can we say everything we need to in terms of statistical regularities? Our answer to this question has major implications for the issue of measurement. Any prescription for how political power ought to be distributed presupposes that it is possible to measure how political power is in fact distributed. Thus, assuming that political power is an ability, my theory will eventually have to include a method for measuring ability. I sketch the framework of such a method in Chapter 1 (pp. 28-34), but it is no more than a sketch.

There are plenty of issues regarding the implementation of my view as well. As I have said before, it will be difficult to collect the necessary information about people's interests and

skills. Supposing it is possible, is it morally acceptable? Can we overcome some of our epistemic barriers without violating people's autonomy, for instance?

This brings us, finally, to questions of institutional design. We need to understand how various social and political institutions affect people's interests. What system of taxation would best promote fairness? How often should elections be held if we want to promote responsibility among public officials? Which voting procedure would lead to the most accurate collective decisions? How can the education system promote solidarity among the population?

None of these questions are simple. But they are important, whether one accepts my overall argument or not. They must be answered before we can bring the actual distribution of political power into conformity with the ideal of equality, sufficiency, or anything else.

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